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FRIDAY, APRIL 21, 1978

highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for May are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: April 20, 1978]

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[3195-01]

Title 3—The President

PROCLAMATION 4564

Older Americans Month, 1978

By the President of the United States of America

A Proclamation

When the month of May was first set aside in 1963 in special tribute to our nation's senior citizens, there were fewer than eighteen million Americans over the age of sixty-five. Today, their number exceeds twenty-three million.

Older Americans are an invaluable source of talent, skills and experience. Their sacrifice and hard work in the past have brought us through wars and hard times, and kept our Nation faithful to the values and principles on which it was founded. They are our link with what has gone before, remembering the good things we are in constant danger of losing, as well as the bad things we have overcome, and how it was possible. They can help us understand the mistakes of the past so that we do not repeat them. They can help us gather strength and courage from the wisdom of the past to make a better future for our children.

Their skills and knowledge are important to our economy, and it is important to their lives and health that they be able to remain as self-reliant as possible, through employment and other opportunities, and through necessary supportive services that enable them to live their later years in dignity and self-respect. Just as they must not be arbitrarily excluded from contributing to our society, they must not be asked to bear the burdens of society when they are no longer able.

These men and women are a vital part of this Nation. Like all Americans, they need comfortable and safe places to live, nutritious daily diets and adequate incomes and services to give them freedom to make choices. We all must work together to create these conditions in our communities.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the month of May as Older Americans Month and I ask public officials at all levels, community agencies, educators, the clergy, the communications media and each American to help make it possible for older Americans to enjoy their later years.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of April, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.

Jimmy Carter

[FR Doc. 78-11045 Filed 4-19-78; 4:01 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce, Department of Labor, National Foundation on the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions in the Department of Commerce, Department of Labor, and the National Foundation on the Arts and the Humanities because they are confidential in nature.

EFFECTIVE DATE: April 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(20) and 213.3315(a)(58) are amended and 213.3382 (r) and (s) are added as set out below:

§213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(20) Two positions of confidential assistant and one position of Director, Office of State and Local Government Assistance to the Deputy Under Secretary for Regional Affairs.

* * * * *

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(58) Two special assistants to the Wage and Hour Administrator.

* * * * *

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(r) One deputy chairman for the Federal Council on the Arts and the Humanities.

(s) One staff assistant to the deputy chairman for the Federal Council on the Arts and the Humanities.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

For The United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-10857 Filed 4-20-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Treasury, Department of Labor, Interstate Commerce Commission, National Foundation of the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions in the Department of the Treasury, Department of Labor, Interstate Commerce Commission, and National Foundation on the Arts and the Humanities because they are confidential in nature.

EFFECTIVE DATES: Department of the Treasury—April 6, 1978; Department of Labor and Interstate Commerce Commission—April 5, 1978; National Foundation on the Arts and the Humanities—April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3305(a)(47) is amended and 213.3315(a)(17), 213.3322(g), and 213.3382(t) are added as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(47) Three Staff Assistants to the Secretary.

* * * * *

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(17) One Special Assistant to the Assistant Secretary for Mine Safety and Health.

* * * * *

§ 213.3322 Interstate Commerce Commission.

* * * * *

(g) One Congressional Relations Officer.

* * * * *

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(t) One Secretary (Typing) to the Director, Office of Program Development and Coordination, National Endowment for the Arts.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-10858 Filed 4-20-78; 8:45 am]

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority; Correction

AGENCY: Department of Agriculture.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 78-8284, appearing at pages 13053 and 13054 in the FEDERAL REGISTER of Wednesday, March 29, 1978, the letter "(f)" appearing in the second line of item 2 on page 13053 should read "(c)" and paragraph "(f)" of § 2.27 appearing on page 13054 should read "(c)".

FOR FURTHER INFORMATION CONTACT:

Robert Siegler, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6035.

Signed at Washington, D.C. this 18th day of April, 1978.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 78-10820 Filed 4-20-78; 8:45 am]

[3410-05]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

PART 730—RICE

1978 Rice Program; Determinations Regarding 1978-Crop Rice Set-Aside Program and Land Diversion Payments

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final determination.

SUMMARY: The purpose of this notice is to determine with respect to the 1978-crop of rice that there will be no set-aside program and no land diversion payments. These determinations are required to be made by the Secretary in accordance with provisions of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977.

DATE: April 21, 1978.

ADDRESSES: Production Adjustment Division, ASCS, USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

George H. Schaefer (ASCS) 202-447-8480.

SUPPLEMENTARY INFORMATION: A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on February 7, 1978 (43 FR 5003), in accordance with 5 U.S.C. 553. In response to the notice, 95 comments were received of which 78 did not favor a set-aside program and 17 favored a set-aside program. Of the 95 comments, only 32 commented on land diversion payments. There were 20 comments in favor of such payments, with 12 responding that such payments should not be made. All comments were duly considered.

The Secretary has made the following determinations:

1. *Set-aside requirement.* It is hereby determined that there will be no set-aside requirement for the 1978-crop rice program. Without a set-aside program, it is expected that rice acreage in 1978 will be about 2.7 million acres. Production would likely be about 122.7 million hundredweights. Total supply is estimated at about 150.6 million hundredweight. Domestic consumption and exports are estimated at 110.1 million hundredweights, which would result in carryover stocks of about 40.5 million hundredweights. Although the 1978 estimated total supply and carryover stocks reflect an increase compared to the estimated 1977 estimated total supply of 139.7 million hundredweights and estimated carryover of 27.9 million hundredweights, they are not considered to be excessive. Should adverse weather conditions prevail, the 1978 estimated total supply and carryover stocks could be substantially reduced. For these reasons, it has been determined that a rice set-aside program is not needed in 1978.

2. *Land diversion payments.* It is hereby determined that there will be no land diversion payments under the 1978-crop rice program in view of the determinations that has been made above that no set-aside program is required.

An economic impact statement has been filed. An environmental assessment on the program has been prepared and it has been determined that the proposed action would not constitute a major Federal action significantly affecting the human environment.

Signed at Washington, D.C., on April 14, 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-10651 Filed 4-20-78; 8:45 am]

[3410-05]

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 795—PAYMENT LIMITATIONS

Correction

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Correction.

SUMMARY: This document corrects the authority cited for the Payment Limitations Regulations published in the FEDERAL REGISTER on March 10, 1978 (FR Doc. 78-5955).

EFFECTIVE DATE: March 10, 1978. In FR. Doc. 78-5955 appearing on page 9784 in the FEDERAL REGISTER issue for March 10, 1978, the "Authority" paragraph following the table of sections is corrected to read as set forth below.

FOR FURTHER INFORMATION CONTACT:

Robert Coplin, 202-447-4541.

AUTHORITY: Section 101 of Title I of the Food and Agriculture Act of 1977, Pub. L. 93-86, 87 Stat. 221, 7 U.S.C. 1307, approved September 29, 1977 (7 U.S.C. 1308).

Signed at Washington, D.C. on April 13, 1978.

WELDON B. DENNY,
Deputy Administrator, Programs.

[FR Doc. 78-10758 Filed 4-20-78; 8:45 am]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 142; Lemon Regulation 141, Amendment 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period April 23-29, 1978, and increases the quantity of such lemons that may be so shipped during the period April 16-22, 1978. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective April 23, 1978, and the amendment is effective for the period April 16-22, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on April 18, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is still exceeding supplies on 140's and smaller fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.442 Lemon Regulation 142.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period April 23, 1978, through April 29, 1978, is established at 275,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

§ 910.441 [Amended]

2. Paragraph (a) of § 910.441 Lemon Regulation 141 (43 FR 15608) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period April 16, 1978, through April 22, 1978, is established at 275,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: April 19, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-11144 Filed 4-20-78; 8:45 am]

[3510-25]

Title 15—Commerce and Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Interpretation

AGENCY: Industry and Trade Administration, Department of Commerce.

ACTION: Interpretation.

SUMMARY: This document sets forth the views of the Department of Commerce with respect to the application of the final regulations on restrictive trade practices or boycotts (43 FR 3508, January 25, 1978) to certain certifications which some U.S. persons are being or may be asked to provide. In addition, it sets forth the Department's views with respect to the application of those regulations to certain contractual clauses to which U.S. persons are being or may be asked to agree. See Appendix below.

FOR ADDITIONAL INFORMATION CONTACT:

Vincent J. Rocque, telephone 202-377-3775, or Kent N. Knowles, telephone 202-377-2512.

The following Appendix is added to Part 369:

APPENDIX—INTERPRETATIONS

It has come to the Department's attention that some U.S. persons are being or may be asked to comply with new boycotting country requirements with respect to shipping and insurance certifications and certificates of origin. It has also come to the Department's attention that some U.S. persons are being or may be asked to agree to new contractual provisions in connection with certain foreign government or foreign government agency contracts. In order to maximize its guidance with respect to Title II of the Export Administration Amendments of 1977 (Pub. L. 95-52) and the regulations on restrictive trade practices or boycotts, Title 15, CFR, Part 369 ("Part 369"), published in the FEDERAL REGISTER of January 25, 1978 (43 FR 3508), the Department hereby sets forth its views on these certifications and contractual clauses.

I. CERTIFICATIONS

Section 369.2(d) of the regulations prohibits a U.S. person from furnishing or knowingly agreeing to furnish:

"Information concerning his or any other person's past, present or proposed business relationships:

(i) With or in a boycotted country;

(ii) With any business concern organized under the laws of a boycotted country;

(iii) With any national or resident of a boycotted country; or

(iv) With any other person who is known or believed to be restricted from having any business relationship with or in a boycotting country."

This prohibition, like all others under Part 369, applies only with respect to a U.S. person's activities in the interstate or foreign commerce of the United States and only when such activities are undertaken with intent to comply with, further, or support an unsanctioned foreign boycott. Section 369.2(d)(5).

This prohibition does not apply to the furnishing of normal business information in a commercial context. Section 369.2(d)(3). Normal business information furnished in a commercial context does not cease to be such simply because the party soliciting the information may be a boycotting country or a national or resident thereof. If the information is of a type which is generally sought for a legitimate business purpose (such as determining financial fitness, technical competence, or professional experience), the information may be furnished even if the information could be used, or without the knowledge of the person supplying the information is intended to be used, for boycott purposes. Section 369.2(d)(4).

The new certification requirements and the Department's interpretation of the applicability of Part 369 thereto are as follows:

A. *Certificate of origin.* A certificate of origin is to be issued by the supplier or exporting company and authenticated by the exporting country, attesting that the goods exported to the boycotting country are of purely indigenous origin, and stating the name of the factory or the manufacturing company. To the extent that the goods as described on the certificate of origin are not solely and exclusively products of their country of origin indicated thereon, a declaration must be appended to the certificate of origin giving the name of the supplier/manufacturer and declaring:

"The undersigned, ————, does hereby declare on behalf of the above-named supplier/manufacturer, that certain parts or components of the goods described in the attached certificate of origin are the products of such country or countries, other than the country named therein as specifically indicated hereunder:

Country of origin and percentage of value of parts or components relative to total shipment

1. ————————————.
2. ————————————.
3. ————————————.

Dated: ————.

Signature ————————.

Sworn to before me, this —— day of ————, 19——. Notary Seal."

INTERPRETATION

It is the Department's position that furnishing a positive certificate of origin, such as the one set out above, falls within the exception contained in section 369.3(b) for compliance with the import and shipping document requirements of a boycotting country. See section 369.3(b) and examples (i) and (ii) thereunder.

B. *Shipping certificate.* A certificate must be appended to the bill of lading stating: (1) Name of vessel; (2) nationality of vessel; and (3) owner of vessel, and declaring:

"The undersigned does hereby declare on behalf of the owner, master, or agent of the above-named vessel that said vessel is not registered in the boycotted country or owned by nationals or residents of the boycotted country and willl not call at or pass through any boycotted country port enroute to its boycotting country destination.

"The undersigned further declares that said vessel is otherwise eligible to enter into the ports of the boycotting country in conformity with its laws and regulations.

Sworn to before me, this —— day of ————, 19——. Notary Seal."

INTERPRETATION

It is the Department's position that furnishing a certificate, such as the one set out above, stating: (1) The name of the vessel, (2) the nationality of the vessel, and (3) the owner of the vessel and further declaring that the vessel: (1) Is not registered in a boycotted country, (2) is not owned by nationals or residents of a boycotted country, and (3) will not call at or pass through a boycotted country port en route to its destination in a boycotting country falls within the exception contained in section 369.3(b) for compliance with the import and ship-

ping document requirements of a boycotting country. See section 369.3(b) and examples (vii), (viii), and (ix) thereunder.

It is also the Department's position that the owner, charterer, or master of a vessel may certify that the vessel is "eligible" or "otherwise eligible" to enter into the ports of a boycotting country in conformity with its laws and regulations. Furnishing such a statement pertaining to one's own eligibility offends no prohibition under Part 369. See § 369.2(f), example (xiv).

On the other hand, where a boycott is in force, a declaration that a vessel is "eligible" or "otherwise eligible" to enter the ports of the boycotting country necessarily conveys the information that the vessel is not blacklisted or otherwise restricted from having a business relationship with the boycotting country. See § 369.3(b), examples (vi), (xi), and (xii). Where a person other than the vessel's owner, charterer, or master furnishes such a statement, that is tantamount to his furnishing a statement that he is not doing business with a blacklisted person or is doing business only with nonblacklisted persons. Therefore, it is the Department's position that furnishing such a certification (which does not reflect customary international commercial practice) by anyone other than the owner, charterer, or master of a vessel would fall within the prohibition set forth in § 369.2(d) unless it is clear from all the facts and circumstances that the certification is not required for a boycott reason. See § 369.2(d) (3) and (4). However, in accordance with the exception contained in § 369.3(b) for compliance with the import and shipping document requirements of a boycotting country, such a United States person may furnish such a certification until June 21, 1978.

C. *Insurance certificate.* A certificate must be appended to the insurance policy stating: (1) Name of insurance company; (2) address of its principal office; and (3) country of its incorporation, and declaring:

"The undersigned, ————, does hereby certify on behalf of the above-named insurance company that the said company has a duly qualified and appointed agent or representative in the boycotting country whose name and address appear below:

Name of agent/representative and address in the boycotting country

Sworn to before me this —— day of ————, 19——. Notary Seal."

INTERPRETATION

It is the Department's position that furnishing the name of the insurance company falls within the exception contained in § 369.3(b) for compliance with the import and shipping document requirements of a boycotting country. See § 369.3(b)(1)(v) and examples (v) and (x) thereunder. In addition, it is the Department's position that furnishing a certificate, such as the one set out above, stating the address of the insurance company's principal office and its country of incorporation offends no prohibition under Part 369 unless the U.S. person furnishing the certificate knows or has reason to know that the information is sought for the purpose of determining that the insurance company is neither headquartered nor incorporated in a boycotted country. See § 369.2(d)(1)(i).

It is also the Department's position that the insurer, himself, may certify that he has a duly qualified and appointed agent or representative in the boycotting country and may furnish the name and address of his agent or representative. Furnishing such a statement pertaining to one's own status offends no prohibition under Part 369. See § 369.2(f), example (xiv).

On the other hand, where a boycott is in force, a declaration that an insurer "has a duly qualified and appointed agent or representative" in the boycotting country necessarily conveys the information that the insurer is not blacklisted or otherwise restricted from having a business relationship with the boycotting country. See § 369.3(b), example (v). Therefore, it is the Department's position that furnishing such a certification by anyone other than the insurer would fall within the prohibition set forth in § 369.2(d) unless it is clear from all the facts and circumstances that the certification is not required for a boycott reason. See § 369.2(d) (3) and (4). However, in accordance with the exception contained in § 369.3(b) for compliance with the import and shipping document requirements of a boycotting country, such a U.S. person may furnish such a certification until June 21, 1978.

II. CONTRACTUAL CLAUSES

The new contractual requirements and the Department's interpretation of the applicability of Part 369 thereto are as follows:

A. *Contractual clause regarding import laws of boycotting country.* "In connection with the performance of this contract the Contractor/Supplier acknowledges that the import and customs laws and regulations of the boycotting country shall apply to the furnishing and shipment of any products or components thereof to the boycotting country. The contractor/supplier specifically acknowledges that the aforementioned import and customs laws and regulations of the boycotting country prohibit, among other things, the importation into the boycotting country of products or components thereof: (1) Originating in the boycotted country; (2) manufactured, produced, or furnished by companies organized under the laws of the boycotted country; and (3) manufactured, produced, or furnished by nationals or residents of the boycotted country."

INTERPRETATION

It is the Department's position that an agreement, such as the one set out in the first sentence above, that the import and customs requirements of a boycotting country shall apply to the performance of a contract does not, in and of itself, offend any prohibition under Part 369. See § 369.2(a)(5) and example (iii) under "Examples of Agreements To Refuse To Do Business." It is also the Department's position that an agreement to comply generally with the import and customs requirements of a boycotting country does not, in and of itself, offend any prohibition under Part 369. See § 369.2(a)(5) and examples (iv) and (v) under "Examples of Agreements To Refuse To Do Business." In addition, it is the Department's position that an agreement, such as the one set out in the second sentence above, to comply with the boycotting country's import and customs requirements prohibiting the importation of products or components: (1) Originating in the boycotted country; (2) manufactured, produced, or furnished by companies organized under the laws of the boycotted country; or (3) manufactured, produced, or furnished by nationals or residents of the boycotted country falls within the exception contained in § 369.3(a-1) for compliance with the import requirements of a boycotting country. See § 369.3(a-1) and example (ii) thereunder.

The Department notes that, after June 21, 1978, a United States person may not furnish a negative certification regarding the origin of goods or their components even though the certification is furnished in response to the import and shipping document requirements of the boycotting country. See § 369.3(b) and examples (i), (ii), and (iii) thereunder; and § 369.3(a-1) and example (ii) thereunder.

B. *Contractual clause regarding unilateral and specific selection.* "The Government of the boycotting country (or the First Party), in its exclusive power, reserves its right to make the final unilateral and specific selection of any proposed carriers, insurers, suppliers of services to be performed within the boycotting country, or of specific goods to be furnished in accordance with the terms and conditions of this contract."

INTERPRETATION

It is the Department's position that an agreement, such as the one set out above, falls within the exception contained in § 369.3(c) for compliance with unilateral selections. However, the Department notes that whether a U.S. person may subsequently comply or agree to comply with any particular selection depends upon whether that selection meets all the requirements contained in § 369.3(c) for compliance with unilateral selections. For example, the particular selection must be unilateral and specific, particular goods must be specifically identifiable as to their source or origin at the time of their entry into the boycotting country, and all other requirements contained in § 369.3(c) must be observed.

Dated: April 18, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 78-10843 Filed 4-18-78; 3:19 pm]

[3510-25]

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

PART 386—EXPORT CLEARANCE

Clarification of Applicability of Amendment Actions and of Shipping Tolerances.

AGENCY: Office of Export Administration, Bureau of Trade Regulation, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Amendments of 1977 requires a review of the provisions of the Export Administration Regulations with the view to simplifying and clarifying them. This rule simplifies and clarifies those provisions relating to validated export license shipping tolerances.

EFFECTIVE DATE: April 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of

Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

SUPPLEMENTARY INFORMATION: In most instances, validated export licenses issued by the Office of Export Administration limit the authorized export of a commodity in one of the following ways, depending on the particular commodity being exported and the relevant instructions on the Commodity Control List:

(1) By weight or measure, e.g., pounds, barrels, feet, etc.;
(2) By dollar value; or
(3) By number of units of a commodity.

The Export Administration Regulations provide for certain variations or tolerances from the terms of the license, without the need of an exporter seeking an amendment of the license or a new license.

This revision simplifies and clarifies the provisions dealing with weight and other tolerances that are permitted when commodities are shipped against such a license. The tolerance provisions are intended to accommodate, within reasonable limits, any overrun in the production of commodities licensed in terms of weight or measure. The provisions also recognize that it is often difficult to load on an exporting carrier the precise amount, by weight or measure, of a commodity that was approved for export. Additionally, for these commodities, as well as for those licensed by number of units, the provisions recognize that the price of the commodity approved in a license may have increased subsequent to the time the exporter filed his application.

A shipping tolerance of 10 percent is allowed at any time over the unshipped balance of a commodity on a validated license when the commodity is licensed in terms of weight or measure. For example, if 100,000 pounds of a commodity are approved for export and only one shipment is to be made, up to 110,000 pounds may be exported. If the first shipment against this license totalled only 40,000 pounds, the 10 percent tolerance is permitted on the unshipped balance of 60,000 pounds, permitting the exporter to ship up to 66,000 pounds in his next shipment. If the second shipment totalled only 20,000 pounds, however, the unshipped balance is 40,000 pounds, and the permissible tolerance would apply to that quantity, allowing a third shipment of up to 44,000 pounds.

This tolerance rule may be limited by specific terms contained in a validated export license. Furthermore, commodities under short supply controls may be subject to a tolerance of less than 10 percent. Tolerances that apply to such commodities are specified in Part 377 of the Regulations (15 CFR Part 377).

When a commodity is licensed by dollar value, that value may not be exceeded. Also, no tolerance is provided in the number of units approved for export, when the commodity is licensed in number of units. However, an increase in the price stated on the license of up to 25 percent is permitted for commodities licensed in number of units and for commodities licensed in terms of weight or measure. (Care must be taken not to confuse commodities licensed in terms of dollar value, e.g., parts for electronic computers, and the total price stated on a license for commodities licensed in terms of number of units, e.g., computers or units of weight or measure, e.g., petroleum products.)

This dollar value tolerance of up to 25 percent is allowed against the total value shown on the license and is not limited to the unshipped balance. For example, parts for electronic computers are licensed by number of units. There is no tolerance provided with respect to the number of units, but the total price for the number of units being exported may exceed the total price on the license by up to 25 percent. If the total price exceeds 25 percent at time of export, an amendment to the export license must be obtained. In like manner, an amendment to a license to export commodities licensed by weight or measure, such as petroleum products, must be obtained if the total value of the quantity to be shipped, whether or not the tolerance provisions are utilized, will exceed 25 percent of the value on the license.

Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq.) are revised as follows:

1. Section 372.11(e)(4) is revised and a new subparagraph (5) is added. Current subparagraphs (5), (6), (7), and (8) are renumbered (6), (7), (8), and (9). Section 372.11(f)(3) is revised and new subparagraphs (4) and (5) are added. Current subparagraphs (4), (5), (6), and (7) are renumbered (6), (7), (8), and (9). Section 372.11(j) is deleted.

§ 372.11 Amending export licenses.

* * * * *

(e) Changes that may be made by Amendment.

* * * * *

(4) Increase in quantity if it exceeds the permissible shipping tolerances in § 386.7(a).

(5) Increase in price if it exceeds the permissible shipping tolerances in § 386.7(b) and cannot be justified on the basis of changes in point of delivery, port of export, or as a result of transportation cost, drayage, port charges, warehousing, etc.

* * * * *

(f) Changes that require neither Amendment nor New License.

* * * * *

(3) Increase in price or quantity if permitted under the shipping tolerances in § 386.7.

(4) Increase in price that can be justified on the basis of changes in point of delivery, port of export, or as a result of transportation cost, drayage, port charges, warehousing, etc.

(5) Establishment of unit or total price in conformance with a "price statement" on a validated export license that permits price to be based on the market price at a specified date plus an exporter's mark-up, or like basis.

* * * * *

(j) Price amendments [Deleted].

2. Sections 386.7(a), (b) and (c) are revised as follows:

§ 386.7 Shipping tolerance.[1]

(a) *Increase in quantity.* A shipping tolerance of 10 percent is allowed over the unshipped balance of a commodity on a validated export license when the quantity specified for that commodity is in terms of weight or measure, e.g., pound, barrel, foot, etc., *except* when (1) specifically limited by a note on the face of a validated export license or (2) a smaller tolerance has been established for commodities under short supply control, i.e., as listed in a Supplement to Part 377.

Examples: A validated export license authorizes the export of 100,000 pounds of a commodity.

(1) If one shipment is made, the quantity that may be exported shall not exceed 110,000 pounds.

(2) If the first shipment is for 40,000 pounds, the second shipment may not exceed 10 percent of the unshipped balance of 60,000 pounds, i.e., 66,000 pounds.

(3) If the first shipment is for 40,000 pounds and the second shipment is for 20,000 pounds, the third shipment may not exceed 10 percent of the unshipped balance of 40,000 pounds, i.e., 44,000 pounds.

(b) *Increase in value.* When a commodity is licensed by number of units, no tolerance is permitted with respect to an increase in the number of units. However, an increase in dollar value of up to 25 percent is permitted for commodities licensed in terms of weight, measure, or number of units. This tol-

[1] Also see § 372.11 for amendment procedure if the increase does not fall within allowable tolerances.

erance is allowed against the total value shown on the license and is not limited to the unshipped balance.

(c) *Commodity licensed by dollar value.* When a commodity is licensed by dollar value, that value may not be exceeded.

* * * * *

(Sec., 4 Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: April 17, 1978.

STANLEY J. MARCUSS,
Deputy Assisant Secretary for Trade Regulation.

[FR Doc. 78-10838 Filed 4-20-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76F-0370]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

Antioxidants and/or Stabilizers; Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to include the butylated reaction product of *p*-cresol and dicyclopentadiene in the alphabetical listings of substances permitted for use in adhesives and rubber articles intended for repeated use. This action corrects a previously issued rule which provided for the safe use of the substance, but which, due to an editorial oversight, did not amend the alphabetical listings to reflect approval of the substance.

DATE: Effective April 21, 1978.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A document published in the FEDERAL REGISTER of November 18, 1977 (42 FR 59496) amended § 178.2010 (21 CFR 178.2010) to provide for the safe use of the butylated reaction product of *p*-cresol and dicyclopentadiene as an antioxidant and/or stabilizer in adhesives and rubber articles for repeated use. This amendment was based on a petition (FAP 6B3228) by Goodyear Tire & Rubber Co., Akron, Ohio 44316. However, the butylated reaction product of *p*-cresol and dicyclopentadiene was not entered in the alphabetical listings in § 175.105 *Adhesives* (21 CFR 175.105) and § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600), which were cross-referenced in § 178.2010.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to him (21 CFR 5.1), the Commissioner amends Parts 175 and 177 as follows:

1. In § 175.105 paragraph (c)(5) is amended by alphabetically inserting in the list of substances a new item to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *
(5) * * *

Substances	*Limitations*
* * *	* * *
Butylated reaction product of *p*-cresol and dicyclopentadiene.	As identified in § 178.2010(b) of this chapter.
* * *	* * *

2. In § 177.2600 paragraph (c)(4)(iii) is amended by alphabetically inserting in the list of substances a new item to read as follows:

§ 177.2600 Rubber articles intended for repeated use.

* * * * *

(c) * * *
(4) * * *
(iii) *Antioxidants and antiozonants (total not to exceed 5 percent of rubber product).*

* * *

Butylated reaction product of *p*-cresol and dicyclopentadiene as identified in § 178.2010(b) of this chapter.

* * *

* * * * *

Effective date. Because this is an editorial matter and not a substantive change, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: April 14, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-10794 Filed 4-20-78; 8:45 am]

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dexamethasone Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This action amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Carter-Glogau Laboratories Division of Chromalloy Pharmaceuticals, Inc., for safe and effective use of dexamethasone injection in horses to provide a glucocorticoid and/or anti-inflammatory effect.

EFFECTIVE DATE: April 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Carter-Glogau Laboratories Division, Chromalloy Pharmaceuticals, Inc., 5160 West Bethany Home Road, Glendale, Ariz. 85301, filed a supplemental NADA (104-606V) providing for intravenous injection of dexamethasone sodium phosphate in horses to produce a rapid and intense glucocorticoid and/or anti-inflammatory effect.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857 from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82

Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs amends § 522.540 by revising paragraph (c)(2) to read as follows:

§ 522.540 Dexamethasone injection.

* * * * *

(c) * * *

(2) *Sponsor.* See No. in § 510.600(c) of this chapter as follows:

(i) No. 000864 for use of 2.0 milligrams dexamethasone or 4.0 milligrams dexamethasone sodium phosphate (equivalent to 3.0 milligrams of dexamethasone) injections.

(ii) No. 000381 for use of 4.0 milligrams dexamethasone sodium phosphate (equivalent to 3.0 milligrams of dexamethasone) injection.

* * * * *

Effective date. April 21, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: April 14, 1978.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc. 78-10793 Filed 4-20-78; 8:45 am]

[4310-02]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 11—LAW AND ORDER ON INDIAN RESERVATIONS

Law Enforcement Standards

APRIL 14, 1978.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This final rule provides procedures for the prompt reporting to the Federal Bureau of Investigation of allegations that police officers have violated the civil rights of any person. Allegations against Bureau of Indian Affairs employees must also be reported to the tribal council and to the Office of Audit and Investigation of the Department of the Interior. Allegations against employees of tribal contractors must be reported to the council of the tribe that employs them and to the top BIA law enforcement officer at the agency. If there is no BIA officer at the agency, the allegation must be reported to the area special officer.

This action is needed because there have been recurrent reports that complaints of civil rights violations by Indian police are not fully and thoroughly investigated. These regulations authorize no one to conduct an investigation. They merely assure that those persons who do have authority to make investigations are promptly informed of civil rights violation complaints.

DATE: This revision will be effective May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Eugene F. Suarez, Sr., Chief, Division of Law Enforcement Services, Office of Indian Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone 202-343-5786.

SUPPLEMENTARY INFORMATION: Beginning on page 42694 of the August 24, 1977, FEDERAL REGISTER (42 FR 42694-5), there was published a notice of proposed rulemaking. All interested persons were given until October 25, 1977, to submit written comments, suggestions, or objections regarding the proposed regulations.

The following changes were made in the light of the comments received:

1. Time limits of seven days have been provided for the submission of reports required by this section to assure that allegations are reported promptly.

2. All allegations are required to be reported to the appropriate tribal council. In the case of tribal police, the tribal council has primary responsibility for the maintenance and supervision of its own police force. The tribal councils also have a legitimate concern in allegations against BIA police serving their communities.

The report to the FBI will state whether the incident is being investigated with a view to tribal prosecution. Although evidence may indicate a federal law has been violated, federal authorities frequently defer to local law enforcement agencies if it appears that local prosecution will be adequate. Information concerning tribal investigations is needed to enable federal authorities to decide whether federal investigation and prosecution is warranted.

One commentator objected that the regulation would involve the BIA in conducting investigations that are the responsibility of the FBI. This regulation does not authorize the BIA to conduct any investigations. It only requires the reporting of allegations to the proper investigating authorities.

Another commentator objected that the regulation unfairly singles out tribal governments and assumes that Indian police departments are less diligent than their non-Indian neighbors in fully investigating allegations of civil rights violations. This regulation is not based on that assumption. The Bureau of Indian Affairs has a responsibility to assure that its own employees, including BIA police, do not engage in civil rights violations. Under the Indian Self-Determination Act the Bureau of Indian Affairs also has an obligation to assure that tribal contractors do not commit such violations. (25 U.S.C. 450m.) This regulation provides one mechanism for meeting those obligations. The Bureau of Indian Affairs, of course, has no similar obligation with respect to police departments (including tribal police departments) to which it does not provide financial support. The scope of this regulation is just as broad as the BIA responsibility.

The authority for the Assistant Secretary—Indian Affairs to issue this regulation is contained in 5 U.S.C. 301, 25 U.S.C. 2 and 25 U.S.C. 450m.

Section 11.304 of Title 25 of the Code of Federal Regulations is amended by adding paragraph (n) to read as follows:

§ 11.304 Minimum standards for police program.

* * * * *

(n) (1) When a law enforcement officer receives an oral or written allegation that a law enforcement officer employed by a program funded by the Bureau of Indian Affairs has violated the civil rights of any person, the officer receiving the allegation shall prepare a written report of the allegation and transmit it through the chain of command to the chief law enforcement officer within seven days of receipt of the allegation.

(2) Not later than seven days after being notified of the allegation, the chief law enforcement officer shall take the following actions:

(i) Notify the Federal Bureau of Investigation, the agency superintendent or contracting officer's representative, and the tribal council. The notice to the Federal Bureau of Investigation shall state whether an investigation is being conducted to determine whether tribal law was violated and shall cite any relevant provisions of the tribal code.

(ii) If the officer against whom the allegation is made is an employee of the Bureau of Indian Affairs, prepare a memorandum to the superintendent, who shall, through the area director and the Assistant Secretary—Indian Affairs, transmit to the Director, Office of Audit and Investigation, a request that the allegation be investigated to determine whether any administrative action is warranted. The memorandum shall be transmitted through the superintendent and the area director. The tribal council shall receive a copy of any such memorandum.

(iii) If the officer against whom the allegation is made is an employee of a

tribal contractor, notify both the top Bureau of Indian Affairs law enforcement officer assigned to the agency and the tribal council. If there is no Bureau of Indian Affairs law enforcement officer at the agency, the superintendent and the area special officer shall be notified.

(3) If the chief law enforcement officer is accused of a civil rights violation, the report of the allegation shall be transmitted directly to the agency superintendent, who shall take the actions required by subparagraph (2) of this paragraph. If there is no agency superintendent, the report of the allegation shall be transmitted directly to the area director, who shall take the actions required by subparagraph (2) of this paragraph.

(4) As soon as all actions required by paragraphs (1), (2), and (3) of this paragraph have been completed, a copy of all documents concerning the allegation shall be transmitted to the Chief, Division of Law Enforcement Services, in the Central Office.

FORREST J. GERARD,
Assistant Secretary—Indian Affairs.

[FR Doc. 78-10814 Filed 4-20-78; 8:45 am]

[1505-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7536]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Special Provisions Applicable to Retailers Excise Tax and to Manufacturers Excise Tax

Correction

In FR Doc. 78-8412 appearing on page 13512, in the issue of Friday, March 31, 1978, on page 13519 in the 1st column, § 48.4216(a)-2 (b)(2), the 24th line should read, "[actu-]ally incurred shall be excluded from".

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 22—CONFIDENTIALITY OF IDENTIFIABLE RESEARCH AND STATISTICAL INFORMATION

Crime Control and Juvenile Justice

AGENCY: Law Enforcement Assistance Administration, Department of Justice.

ACTION: Rule.

SUMMARY: Recent legislation provided that certain administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, be incorporated in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. This document makes the regulations relating to the confidentiality of identifiable research and statistical information under the Crime Control Act applicable to projects funded under the Juvenile Justice Act.

DATE: April 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Madden, General Counsel, LEAA, 202-376-3691.

Accordingly, pursuant to the authority vested in the law Enforcement Assistance Administration by Sections 501 and 524 of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3401, et seq., as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601, et seq., as amended, the following amendments to Chapter I of Title 28 of the Code of Federal Regulations Part 22 are hereby adopted:

1. In § 22.2, paragraph (h) is revised and paragraph (j) is added as follows:

§ 22.2 Definitions.

* * * * *

(h) The Crime Control Act—means the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

* * * * *

(j) The Juvenile Justice Act—means the "Juvenile Justice and Delinquency Prevention Act of 1974, as amended."

§ 22.20 [Amended]

2. Section 22.20(a) is amended by striking the word "Act" and inserting in lieu thereof "Crime Control Act and Juvenile Justice Act."

3. Section 22.22(a)(2) is revised to read as follows:

§ 22.22 Revelation of identifiable data.

(a) * * *

(2) Such individuals as needed to implement section 303(a)(12), 402(c), 515(b), 518, and 521 of the Crime Control Act and sections 223(a)(12)(A), 223(a)(14) and 243 of the Juvenile Justice Act.

JAMES M. H. GREGG,
Assistant Administrator, Office of Planning and Management.

[FR Doc. 78-10803 Filed 4-20-78; 8:45 am]

[4510-30]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Final Rule; Correction

AGENCY: Department of labor.

ACTION: Final rule; correction.

SUMMARY: This document is to correct FR Doc. 77-30225, published on October 18, 1977 which contained the regulations for programs under Titles I, II and VI of the Comprehensive Employment and Training Act.

EFFECTIVE DATE: Immediately upon publication, April 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Hugh Davies, Chief, Division of Program Planning and Design, Patrick Henry Building, Room 5314, 601 D Street NW., Washington, D.C. 20013, 202-376-7072.

SUPPLEMENTARY INFORMATION: On Oct. 18, 1977, the Department published, at 42 FR 55730, final regulations under Title I, II and VI of the Comprehensive Employment and Training Act. The document, as published, contained a few errors.

Accordingly 29 CFR Parts 94 and 95 are corrected as follows:

1. In 29 CFR 94.4 at 42 FR 55733, paragraphs (kkk) and (lll) are revised to read as follows:

* * * * *

(kkk) "Unsubsidized employment" shall mean employment not financed from funds provided under the Act.

(lll) "Veteran" shall mean a person who: (1) Served on active duty for a period of more than 180 days, and was discharged, separated, or released therefrom with other than a dishonorable discharge or (2) was discharged or

released from active duty for a service-connected disability.

2. At 42 FR 55746, in 29 CFR 95.33(d)(5)(ii), paragraphs (C) and (D) are revised, and a new paragraph (E) is added, to read as follows:

(d) * * *
(5) * * *
(ii) * * *

(C) Employability assessment other than that involved during intake;

(D) Job development;

(E) Job referral and placement; and

3. At 42 FR 55746, 29 CFR 95.33(d)(5)(iii)(B) is corrected to read:

(d) * * *
(5) * * *
(iii) * * *

(B) Child Care: Day care programs shall comply with applicable State and local standards including State licensing requirements.

4. At 42 FR 55746, in 29 CFR 95.33(d)(6)(i), paragraphs (C) and (D) are corrected and paragraph (E) is deleted, to read as follows:

(d) * * *
(6) * * *
(i) * * *

(C) Revision or establishment of merit systems; and

(D) Development and implementation of affirmative action plans.

5. At 42 FR 55749, 29 CFR 95.53 is revised to read as follows:

§ 95.53 Application approval and disapproval.

(a) In reviewing the grant application the RA shall utilize the standards specified in § 95.17(a) and (b) (1), (4), (7), (8), (9), (10), (11), (12), and (13).

(b) The RA shall approve any grant application which meets the following standards and requirements: (1) It contains all the required forms, information, and certifications required by the regulations; and (2) It meets the requirements of the Act, the regulations under the Act, other applicable law, and if the RA determines that the Governor has demonstrated maximum efforts to meet the goals of the prior year's Annual Plan.

(c) Section 98.18(c) (1) and (2) applies to grants funded under this subpart.

(d) If the application is approved the RA shall provide the Governor with a letter indicating approval.

(e) An application for a special grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or other applicable law. All other conditions set forth in § 95.19 shall apply to the disapproval of special grants.

(f) Upon approval, the Governor shall provide a summary of the special grant to each prime sponsor in the State.

Signed this 14th day of April 1978 in Washington, D.C.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-10786 Filed 4-20-78; 8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

[DoD Instruction 7000.2]

PART 206—PERFORMANCE MEASUREMENT FOR SELECTED ACQUISITION

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: The Department of Defense is amending its regulations on performance measurement for selected acquisition contracts. This rule incorporates certain procedural changes regarding subcontracts and redefines cost/schedule control systems criteria. The part is a revision of previously promulgated objectives and criteria for the application of uniform DoD requirements for selected defense contracts.

EFFECTIVE DATE: June 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert R. Kemps, OASD(C)MS/DMIOC/AMID, The Pentagon, Room 4B915, Washington, D.C. 20301, telephone 202-695-0706.

SUPPLEMENTARY INFORMATION: In FR Doc. 69-13746 appearing in the FEDERAL REGISTER (34 FR 18455) on November 20, 1969, the Office of the Secretary of Defense published DoD Directive 7000.2 prescribing the objectives, policy, and procedures regarding the application of uniform DoD requirements for contractors' management control system to selected Defense contracts. This Directive was reissued on April 25, 1972, and published in the FEDERAL REGISTER on December 27, 1972 (37 FR 28508) as a revision to Part 206. The following constitutes a further revision to DoD Directive 7000.2 which incorporates certain procedural changes regarding subcontracts and redefines cost/schedule control systems criteria.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

APRIL 18, 1978.

Accordingly, 32 CFR Chapter I is amended by a revision of Part 206 reading as follows:

Sec.
§ 206.1 Reissuance and purpose
§ 206.2 Applicability and scope
§ 206.3 Objectives
§ 206.4 Policy
§ 206.5 Responsibilities
§ 206.6 Cost/schedule control system criteria

AUTHORITY: The provisions of this Part 206 are issued under Rev. Stat. 161, 2202, 2301-2314, 70A Stat. 120, 127-133; 5 U.S.C. 301, 10 U.S.C. 2202, 2301-2314.

§ 206.1 Reissuance and purpose.

This Part sets forth objectives and criteria for the application of uniform DoD requirements to selected defense contracts. The provisions of this Part specifically require the use of Cost/Schedule Control Systems Criteria (C/SCSC) in selected acquisitions.

§ 206.2 Applicability and scope.

(a) The provisions of this Part apply to all Military Departments and Defense Agencies (hereafter referred to as "DoD Components") which are responsible for acquisitions during systems development and production.

(b) The acquisitions governed by this Part are in selected contracts and subcontracts within programs designated as major system acquisition programs in accordance with 32 CFR 213. Firm-fixed-price and firm-fixed-price-with-economic-price-adjustment contracts are excluded. Application of the C/SCSC to major construction projects is also encouraged where appropriate.

§ 206.3 Objectives.

(a) To provide an adequate basis for responsible decision-making by both contractor management and DoD Components, contractors' internal management control systems must provide data which (1) indicate work progress, (2) properly relate cost, schedule and technical accomplishment, (3) are valid, timely and auditable, and (4) supply DoD managers with information at a practicable level of summarization.

(b) To bring to the attention of, and encourage, DoD contractors to accept and install management control systems and procedures which are most effective in meeting their requirements and controlling contract performance. DoD contractors also should be continuously alert to advances in management control systems which will improve their internal operations.

§ 206.4 Policy.

(a) It shall be the general policy to (1) require applications of the C/SCSC as stated in § 206.6 to programs that are within the scope of § 206.2, (2) require no changes in contractors' existing cost/schedule control systems except those necessary to meet the C/SCSC, and (3) require the contractor to provide to the Government performance data directly from the same system used for internal management.

(b) The policies and criteria contained herein will not be construed as requiring the use of specific systems or changes in accounting systems which will adversely affect (1) the equitable distribution of costs to all contracts, or (2) compliance with the standards, rules, and regulations promulgated by the Cost Accounting Standards Board.

(c) Subcontracts within applicable programs, excluding those that are firm-fixed-price, may be selected for application of these criteria by mutual agreement between prime contractors and the contracting DoD Component, according to the criticality of the subcontract to the program. Coverage of certain critical subcontracts may be directed by the Department of Defense, subject to the changes article of the contracts. In those cases where a subcontractor is not required to comply with the criteria, the Cost/Schedule Status Report (C/SSR) approach to performance measurement set forth in 32 CFR 164 will normally be used. The limitations in 32 CFR 164 apply.

(d) The applicability of C/SCSC and provisions concerning the acceptability and use of contractor's cost/schedule control systems shall be (1) included in the Decision Coordinating Papers (DCP) leading to the decisions for full-scale development and production, (2) addressed in procurement plans, (3) set forth in Requests for Proposal (RFP), and (4) made a contractual requirement in appropriate procurements.

(1) *Reviews of Systems.* To ensure compliance with the Cost/Schedule Control Systems Criteria, contractors' systems will be reviewed during various phases of the contracting process.

(i) Where the C/SCSC are included as a requirement in the RFP, an Evaluation Review will be performed as an integral part of the source selection process.

(ii) After contract award, an in-plant Demonstration Review will be made to verify that the contractor is operating systems which meet the criteria.

(iii) Upon successful completion of the Demonstration Review, contractors will not be subjected to another Demonstration Review unless there are positive indications that the contractor's systems no longer operate so as to meet the criteria.

(iv) Subsequent contracts may require a review of shorter duration and less depth to ensure the appropriate and effective application of the accepted systems to the new contract.

(v) Detailed procedures relating to contractual application, interpretative guidance, interservice relationships, and conduct of systems reviews are contained in the Cost/Schedule Control Systems Criteria Joint Implementation Guide.[1]

(2) *Memorandum of Understanding.* After determination that a management system meets C/SCSC, a Memorandum of Understanding may be established between the Department of Defense and the contractor to apply to future contracts.

(i) The use of a Memorandum of Understanding contemplates the execution of a written instrument which references the C/SCSC and negotiated provisions which (A) reflect an understanding between the contractor and the DoD of the requirements of the DoD criteria, and (B) identify the specific system(s) which the contractor intends to use on applicable contracts with DoD Components.

(ii) The Memorandum of Understanding will include or make reference to a written description of the system(s) accepted in a Demonstration Review. The system description should be of sufficient detail to permit adequate surveillance by responsible parties. The use of a Memorandum of Understanding is preferred where a number of separate contracts between one or more DoD Component(s) and the contractor may be entered into during the term of the Memorandum of Understanding. It contemplates the delegation of authority to the DoD Component negotiating the Memorandum of Understanding with the contractor to make the agreement on behalf of all prospective DoD contracting components.

(iii) Action to develop a Memorandum of Understanding may be initiated by either the contractor or the DoD Component, but will usually be in connection with a contractual requirement. In a proposal, reference to a Memorandum of Understanding satisfies the C/SCSC requirement in RFP's and normally obviates the need for further Evaluation Review during source selection. Procedures for executing Memorandums of Understanding are included in the Cost/Schedule Control Systems Criteria Joint Implementation Guide.[1]

(3) *Surveillance.* Recurring evaluations of the effectiveness of the contractor's policies and procedures will be performed to ensure that the contractor's system continues to meet the C/SCSC and provides valid data consistent with the intent of this Instruction. Surveillance reviews will be based on selective tests of reported data and periodic evaluations of internal practices during the life of the contract. Guidance for surveillance is set forth in the C/SCSC Joint Surveillance Guide.[2]

§ 206.5 Responsibilities.

Pursuant to authority contained in DoD Directive 7000.1.[3]

(a) The Assistant Secretary of Defense (Comptroller) will establish policy guidance pertaining to the Cost/Schedule Control Systems Criteria and will monitor their implementation to ensure consistent application throughout the Department of Defense.

(b) The Secretaries of the Military Departments will issue appropriate instructions which promulgate the policies contained herein and which assign responsibilities for accomplishing the actions required to validate contractors' compliance with the C/SCSC.

(c) The Joint Logistics Commanders will develop and issue joint implementing instructions which outline the procedures to be used in applying, testing and monitoring the C/SCSC on applicable contracts and will ensure that adequate reviews of contractors' systems are performed. The joint implementing procedures and their revisions will be coordinated among all affected DoD Components and submitted to the Assistant Secretary of Defense (Comptroller) for review prior to publication.

(d) The Defense Contract Audit Agency and the appropriate Contract Administration Service office will participate in reviews of contractors' systems under their cognizance and will perform required surveillance, collaborating with each other and with the procuring DoD Component in reviewing areas of joint interest.

§ 206.6 Cost/schedule control systems criteria.

(a) *General.* (1) Any system used by the contractor in planning and controlling the performance of the contract shall meet the criteria set forth in § 206.6(c). Nothing in these criteria is intended to affect the basis on which costs are reimbursed and progress payments are made, and nothing herein will be construed as requiring the use of any single system, or specific method of management control or

[1] Copies available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. Stock Number 722-609/94.

[2] Copies available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. Stock Number 241-382/5009.

[3] Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention Code 301.

evaluation of performance. The contractor's internal systems need not be changed, provided they satisfy these criteria.

(2) Any element in the evaluation of proposals will be the proposer's system for planning and controlling contract performance. The proposer will fully describe the system to be used. The prospective contractor's cost/schedule control system proposal will be evaluated to determine if it meets these criteria. The prospective contractor will agree to operate a compliant system throughout the period of contract performance if awarded the contract. The DoD will agree to rely on the contractor's compliant system and therefore will not impose a separate planning and control system.

(b) *Definitions.* (1) *Actual cost of work performed (ACWP).* The costs actually incurred and recorded in accomplishing the work performed within a given time period.

(2) *Actual direct costs.* Those costs identified specifically with a contract, based upon the contractor's cost identification and accumulation system as accepted by the cognizant DCAA representatives. (See Direct Costs.)

(3) *Allocated budget.* (See Total Allocated Budget.)

(4) *Applied direct costs.* The amounts recognized in the time period associated with the consumption of labor, material, and other direct resources, without regard to the date of commitment or the date of payment. These amounts are to be charged to work-in-process in the time period that any one of the following takes place:

(i) When labor, material and other direct resources are actually consumed, or

(ii) When material resources are withdrawn from inventory for use, or

(iii) When material resources are received that are uniquely identified to the contract and scheduled for use within 60 days, or

(iv) When major components or assemblies are received on a line flow basis that are specifically and uniquely identified to a single serially numbered end item.

(5) *Apportioned effort.* Effort that by itself is not readily divisible into short-span work packages but which is related in direct proportion to measured effort.

(6) *Authorized work.* That effort which has been definitized and is on contract, plus that for which definitized contract costs have not been agreed to but for which written authorization has been received.

(7) *Baseline.* (See Performance Measurement Baseline.)

(8) *Budgeted cost for work performed (BCWP).* The sum of the budgets for completed work packages and completed portions of open work packages, plus the appropriate portion of the budgets for level of effort and apportioned effort.

(9) *Budgeted cost for work scheduled (BCWS).* The sum of budgets for all work packages, planning packages, etc., scheduled to be accomplished (including in-process work packages), plus the amount of level of effort and apportioned effort scheduled to be accomplished within a given time period.

(10) *Budgets for work packages.* (See Work Package Budgets.)

(11) *Contract budget base.* The negotiated contract cost plus the estimated cost of authorized unpriced work.

(12) *Contractor.* An entity in private industry which enters into contracts with the Government. In this Instruction, the work may also apply to Government-owned, Government-operated activities which perform work on major defense programs.

(13) *Cost account.* A management control point at which actual costs can be accumulated and compared to budgeted costs for work performed. A cost account is a natural control point for cost/schedule planning and control, since it represents the work assigned to one responsible organizational element on one contract work breakdown structure (CWBS) element.

(14) *Direct costs.* Any costs which can be identified specifically with a particular final cost objective. This term is explained in ASPR 15-202.

(15) *Estimated cost at completion or estimate at completion (EAC).* Actual direct costs, plus indirect costs allocable to the contract, plus the estimate of costs (direct and indirect) for authorized work remaining.

(16) *Indirect costs.* Costs, which because of their incurrence for common or joint objectives, are not readily subject to treatment as direct costs. This term is further defined in ASPR 3-701.3 and ASPR 15-203.

(17) *Initial budget.* (See Original Budget.)

(18) *Internal replanning.* Replanning actions performed by the contractor for remaining effort within the recognized total allocated budget.

(19) *Level of effort (LOE).* Effort of a general or supportive nature which does not produce definite end products or results.

(20) *Management reserve.* (Synonymous with Management Reserve Budget). An amount of the total allocated budget withheld for management control purposes rather than designated for the accomplishment of a specific task or set of tasks. It is not a part of the Performance Measurement Baseline.

(21) *Negotiated contract cost.* The estimated cost negotiated in a cost-plus-fixed-fee contract, or the negotiated contract target cost in either a fixed-price-incentive contract or a cost-plus-incentive-fee contract.

(22) *Original budget.* The budget established at, or near, the time the contract was signed, based on the negotiated contract cost.

(23) *Overhead.* (See Indirect Costs.)

(24) *Performance measurement baseline.* The time-phased budget plan against which contract performance is measured. It is formed by the budgets assigned to scheduled cost accounts and the applicable indirect budgets. For future effort, not planned to the cost account level, the performance measurement baseline also includes budgets assigned to higher level CWBS elements, and undistributed budgets. It equals the total allocated budget less management reserve.

(25) *Performing organization.* A defined unit within the contractor's organization structure, which applies the resources to perform the work.

(26) *Planning package.* A logical aggregation of work within a cost account, normally the far term effort, that can be identified and budgeted in early baseline planning, but is not yet defined into work packages.

(27) *Procuring activity.* The subordinate command in which the Procuring Contracting Office (PCO) is located. It may include the program office, related functional support offices, and procurement offices. Examples of procuring activities are AFSC/ESD, AFLC/OC-ALC, DARCOM/MIRADCOM, and NMC/NAVAIRSYSCOM.

(28) *Replanning.* (See Internal Replanning.)

(29) *Reprogramming.* Replanning of the effort remaining in the contract, resulting in a new budget allocation which exceeds the contract budget base.

(30) *Responsible organization.* A defined unit within the contractor's organization structure which is assigned responsibility for accomplishing specific tasks.

(31) *Significant variances.* Those differences between planned and actual performance which require further review, analysis, or action. Appropriate thresholds should be established as to the magnitude of variances which will require variance analysis.

(32) *Total allocated budget.* The sum of all budgets allocated to the contract. Total allocated budget consists of the performance measurement baseline and all management reserve. The total allocated budget will reconcile directly to the contract budget base. Any differences will be documented as to quantity and cause.

(33) *Undistributed budget.* Budget applicable to contract effort which has not yet been identified to CWBS elements at or below the lowest level of reporting to the Government.

(34) *Variances.* (See Significant Variances.)

(35) *Work breakdown structure.* A product-oriented family tree division

of hardware, software, services, and other work tasks which organizes, defines, and graphically displays the product to be produced, as well as the work to be accomplished to achieve the specified product.

(i) *Project summary work breakdown structure.* A summary WBS tailored to a specific defense materiel item by selecting applicable elements from one or more summary WBS's or by adding equivalent elements unique to the project (MIL-STD-881A).

(ii) *Contract work breakdown structure (CWBS).* The complete WBS for a contract, developed and used by a contractor within the guidelines of MIL-STD-881A, and according to the contract work statement.

(36) *Work package budgets.* Resources which are formally assigned by the contractor to accomplish a work package, expressed in dollars, hours, standards, or other definitive units.

(37) *Work packages.* Detailed short-span jobs, or material items, identified by the contractor for accomplishing work required to complete the contract. A work package has the following characteristics:

(i) It represents units of work at levels where work is performed.

(ii) It is clearly distinguishable from all other work packages.

(iii) It is assignable to a single organizational element.

(iv) It has scheduled start and completion dates and, as applicable, interim milestones, all of which are representative of physical accomplishment.

(v) It has a budget or assigned value expressed in terms of dollars, manhours, or other measurable units.

(vi) Its duration is limited to a relatively short span of time or it is subdivided by discrete value-milestones to facilitate the objective measurement of work performed.

(vii) It is integrated with detailed engineering, manufacturing, or other schedules.

(c) *Criteria.* The contractors' management control systems will include policies, procedures, and methods which are designed to ensure that they will accomplish the following:

(1) *Organization.* (i) Define all authorized work and related resources to meet the requirements of the contract, using the framework of the CWBS.

(ii) Identify the internal organizational elements and the major subcontractors responsible for accomplishing the authorized work

(iii) Provide for the integration of the contractor's planning, scheduling, budgeting, work authorization and cost accumulation systems with each other, the CWBS, and the organizational structure.

(iv) Identify the managerial positions responsible for controlling overhead (indirect costs).

(v) Provide for integration of the CWBS with the contractor's functional organizational structure in a manner that permits cost and schedule performance measurement for CWBS and organizational elements.

(2) *Planning and budgeting.*(i) Schedule the authorized work in a manner which describes the sequence of work and identifies the significant task interdependencies required to meet the development, production and delivery requirements of the contract.

(ii) Identify physical products, milestones, technical performance goals, or other indicators that will be used to measure output.

(iii) Establish and maintain a time-phased budget baseline at the cost account level against which contract performance can be measured. Initial budgets established for this purpose will be based on the negotiated target cost. Any other amount used for performance measurement purposes must be formally recognized by both the contractor and the Government.

(iv) Establish budgets for all authorized work with separate identification of cost elements (labor, material, etc.).

(v) To the extent the authorized work can be identified in discrete, short-span work packages, establish budgets for this work in terms of dollars, hours, or other measurable units. Where the entire cost account cannot be subdivided into detailed work packages, identify the far term effort in larger planning packages for budget and scheduling purposes.

(vi) Provide that the sum of all work package budgets, plus planning package budgets within a cost account equals the cost account budget.

(vii) Identify relationships of budgets or standards in underlying work authorization systems to budgets for work packages.

(viii) Identify and control level of effort activity by time-phased budgets established for this purpose. Only that effort which cannot be identified as discrete, short-span work packages or as apportioned effort will be classed as level of effort.

(ix) Establish overhead budgets for the total costs of each significant organizational component whose expenses will become indirect costs. Reflect in the contract budgets at the appropriate level the amounts in overhead pools that will be allocated to the contract as indirect costs.

(x) Identify management reserves and undistributed budget.

(xi) Provide that the contract target cost plus the estimated cost of authorized but unpriced work is reconciled with the sum of all internal contract budgets and management reserves.

(3) *Accounting.* (i) Record direct costs on an applied or other acceptable basis in a formal system that is controled by the general books of account.

(ii) Summarize direct costs from cost accounts into the WBS without allocation of a single cost account to two or more WBS elements.

(iii) Summarize direct costs from the cost accounts into the contractor's functional organizational elements without allocation of a single cost account to two or more organizational elements.

(iv) Record all indirect costs which will be allocated to the contract.

(v) Identify the bases for allocating the cost of apportioned effort.

(vi) Identify unit costs, equivalent unit costs, or lot costs as applicable.

(vii) The contractor's material accounting system will provide for:

(A) Accurate cost accumulation and assignment of costs to cost accounts in a manner consistent with the budgets using recognized, acceptable costing techniques.

(B) Determination of price variances by comparing planned versus actual commitments.

(C) Cost performance measurement at the point in time most suitable for the category of material involved, but no earlier than the time of actual receipt of material.

(D) Determination of cost variances attributable to the excess usage of material.

(E) Determination of unit or lot costs when applicable.

(F) Full accountability for all material purchased for the contract, including the residual inventory.

(4) *Analysis.* (i) Identify at the cost account level on a monthly basis using data from, or reconcilable with, the accounting system:

(A) Budgeted cost for work scheduled and budgeted cost for work performed.

(B) Budgeted cost for work performed and applied (actual where appropriate) direct costs for the same work.

(C) Variances resulting from the above comparisons classified in terms of labor, material, or other appropriate elements together with the reasons for significant variances.

(ii) Identify on a monthly basis, in the detail needed by management for effective control, budgeted indirect costs, actual indirect costs, and variances along with the reasons.

(iii) Summarize the data elements and associated variances listed in (i) and (ii) above through the contractor organization and WBS to the reporting level specified in the contract.

(iv) Identify significant differences on a monthly basis between planned and actual schedule accomplishment and the reasons.

(v) Identify managerial actions taken as a result of criteria items (i) through (iv) above.

(vi) Based on performance to date and on estimates of future conditions,

develop revised estimates of cost at completion for WBS elements identified in the contract and compare these with the contract budget base and the latest statement of funds requirements reported to the Government.

(5) *Revisions and access to data.* (i) Incorporate contractual changes in a timely manner recording the effects of such changes in budgets and schedules. In the directed effort prior to negotiation of a change, base such revisions on the amount estimated and budgeted to the functional organizations.

(ii) Reconcile original budgets for those elements of the work breakdown structure identified as priced line items in the contract, and for those elements at the lowest level of the DoD Project Summary WBS, with current performance measurement budgets in terms of (A) changes to the authorized work and (B) internal replanning in the detail needed by management for effective control.

(iii) Prohibit retroactive changes to records pertaining to work performed that will change previously reported amounts for direct costs, indirect costs, or budgets, except for correction of errors and routine accounting adjustments.

(iv) Prevent revisions to the contract budget base § 206.6(b)(11) except for Government directed changes to contractual effort.

(v) Document, internally, changes to the performance measurement baseline (§ 206.6(b)(24)) and, on a timely basis, notify the procuring activity through prescribed procedures.

(vi) Provide the contracting officer and his duly authorized representatives access to all of the foregoing information and supporting documents.

[FR Doc. 78-10835 Filed 4-20-78; 8:45 am]

[3910-01]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER S—RECREATION

PART 985—RIDING STABLES

Deletion of Regulation

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: This rule is deleted because of limited applicability to the general public. Intended effect is to insure that only regulations which substantially affect the public be maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: March 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Frankie S. Estep, Air Force Federal Register Liaison Officer, Directorate of Administration, Pentagon, Washington, D.C. 20330, Phone: 202-697-1861.

SUPPLEMENTARY INFORMATION: On February 16, 1978, the Air Force published a new rule, Part 985, to be added to 32 CFR, Chapter VII (43 FR 6767). The Air Force is currently involved in an effort to delete certain of its regulations from the Code of Federal Regulations which do not affect a significant portion of the general public and therefore do not warrant publication. Because of the limited applicability of Part 985, it is deleted.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-10785 Filed 4-20-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 187]

PART 1-9—PATENTS, DATA, AND COPYRIGHTS

Patents; Change of Effective Date

AGENCY: General Services Administration.

ACTION: Final rule: Change of effective date.

SUMMARY: The effective date of the Federal Procurement Regulations (FPR) Amendment 187 is changed from March 20, 1978, to July 18, 1978. FPR Amendment 187 was issued January 20, 1978, and was published in the FEDERAL REGISTER (43 FR 4424, February 2, 1978). The change of the effective date for the amendment is based on a request of the Administrator, Office of Federal Procurement Policy.

DATES: effective date of this document: April 11, 1978; Revised effective date for FPR Amendment 187: July 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Dated: April 11, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-10830 Filed 4-20-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S. O. No. 1322]

PART 1033—CAR SERVICE

Distribution of Grain Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Revised Service Order No. 1322).

SUMMARY: Revised Service Order No. 1322 requires eleven named railroads to place seventy (70) percent of their serviceable ownership of jumbo covered hopper cars in grain service. The previous restriction on the use of 40-ft., narrow-door, plain boxcars has been eliminated. The restrictions on the use of jumbo covered hopper cars are required because of severe shortages of cars for transporting grain.

DATES: Effective 12:01 a.m. April 17, 1978. Expires 11:50 p.m. April 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of April 1978.

An acute shortage of covered hopper cars * * * for transporting shipments of grain exists in the western part of the United States. These shortages are particularly prevalent at country grain elevators. In some instances railroads have given priority in filling orders for grain cars to the larger terminal and sub-terminal elevators, thus aggravating the shortages at country elevators. Such practices have resulted in severe financial hardships to many country elevators and other small volume grain shippers by forcing them to pay penalties for non-shipment against outstanding sales contracts or to repurchase such contracts, to pay increased transportation costs for shipments via other modes, or to sell their grain at substantial discounts to other companies that have been able to acquire control over either railroad or privately owned freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce

of the people; that notice and public procedure are impracticable, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1322 Service Order No. 1322.

(a) *Distribution of grain cars—Application.* (1) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(2) This order shall apply to all freight cars listed in the Official Railway Equipment Register, ICC-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having the following descriptions:

Jumbo covered hoppers:
Mechanical designation "LO" Capacity 4,000 cu. ft. or greater and 180,000 lb. or greater.

* * * * *

(3) This order shall apply to the following common carriers by railroad:

The Atchison, Topeka and Santa Fe Railway Co.
Burlington Northern Inc.
Chicago and North Western Transportation Co.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Chicago, Rock Island and Pacific Railroad Co.
Illinois Central Gulf Railroad Co.
Missouri-Kansas-Texas Railroad Co.
Missouri Pacific Railroad Co.
St. Louis-San Francisco Railway Co.
Soo Line Railroad Co.
Union Pacific Railroad Co.
Terminal Switching Railroads.

(b) *Definitions*—(1) *Terminal and sub-terminal elevators.* The terms "terminal elevators" and "sub-terminal elevators" mean a grain storage elevator located at one of the principal ports and interior markets listed below:

New Orleans, La., and sub-ports Ama, Destrehan, Myrtle Grove, Reserve, and Westwego.
Baton Rouge, La. (Port Allen).
Beaumont, Tex.
Port Arthur, Tex.
Galveston, Tex.
Houston, Tex.
Corpus Christi, Tex.
San Diego, Calif.
San Francisco, Calif., and sub-ports Sacramento and Stockton.
Los Angeles, Calif., and sub-ports Long Beach and San Pedro.
Seattle, Wash.
Tacoma, Wash.
Kalama, Wash.
Longview, Wash.
Vancouver, Wash.
Portland, Oreg.
Astoria, Oreg.
Milwaukee, Wis.
Superior, Wis.
Amarillo, Tex.
Lubbock, Tex.
Plainview, Tex.
Dallas, Tex.
Dodge City, Kans.
Great Bend, Kans.
Newton, Kans.
Wellington, Kans.
Salina, Kans.
Wichita, Kans.
Hutchinson, Kans.
Atchison, Kans.
Topeka, Kans.
St. Joseph, Mo.
Council Bluffs, Iowa.
Sioux City, Iowa.
Omaha, Nebr.
Lincoln, Nebr.
Hastings, Nebr.
Denver, Colo.
Duluth, Minn.
Minneapolis, Minn.
St. Paul, Minn.
Chicago, Ill.
Kansas City, Mo.
St. Louis, Mo.
Ft. Worth, Tex.
Enid, Okla.

(2) *Country elevators defined.* The term "country elevator" means all grain storage or loading facilities located at interior points not listed in paragraph (b)(1) of the section and served by one or more of the railroads listed in paragraph (a)(3) of this section.

(3) *Terminal switching railroads defined.* The term "terminal switching railroad" means any railroad, not participating in the freight rate, performing terminal switching services of carloads of grain originated by any of the railroads specifically named in paragraph (a)(3) of this section.

(4) *Grain defined.* The term "grain" means any unprocessed, raw, whole grain including soybeans.

(c) *Restrictions on use of covered hopper cars.* (1) Each railroad listed in paragraph (a)(3) of this section shall assign to grain service at least seventy (70) percent of its serviceable ownership of jumbo covered hopper cars.

(2) Each railroad listed in paragraph (a)(3) of this section shall use at least fifty (50) percent of the jumbo covered hopper cars assigned to grain service for transporting shipments of grain from country grain elevators. The remaining grain service jumbo covered hopper cars may be used for transporting shipments of grain from terminal and sub-terminal elevators.

(3) The limitations on the use of jumbo covered hopper cars provided by Service Order No. 1304 shall continue to apply. Covered hopper cars used in unit-grain train services shall be considered as being assigned to country elevators or to terminal or sub-terminal elevators in accordance with the classification of elevators provided in paragraph (b)(1) and (2) of this section.

(d) * * *

(e) *Restrictions on use of foreign cars.* At least fifty (50) percent of all foreign cars used for loading grain shall be allocated to country elevators. In the application of this section a "foreign" car is a car bearing the reporting marks of a railroad other than the line furnishing the car for loading.

(f) *Exceptions.* Exceptions to this order may be authorized to carriers by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Requests for exceptions must be submitted in writing, or confirmed in writing, and must state clearly the reason and justification for such exception.

(g) *Records and Reports.* (1) Each railroad subject to this order shall maintain in the offices of the superintendent of each division serving either country, terminal or sub-terminal elevators, the following records compiled separately for cars ordered by and furnished to country elevators and for cars ordered by and furnished to terminal or sub-terminal elevators containing the following information, by date for which cars have been ordered for placement.

Cars ordered:
Station _____
Name of elevator _____
Date wanted _____
Covered hoppers _____

Cars furnished:
Date _____
Covered hoppers _____

Substitution of one type of car for another or the furnishing of smaller cars for larger cars ordered must be indicated by appropriate notes.

Cars which have made one or more trips in grain service subject to tariff provisions requiring two or more consecutive trips shall be considered as ordered when they arrive empty at the next point designated for loading.

(2) A summary of the divisional reports described in paragraph (g)(1) of this section shall be compiled at the close of each month by each railroad subject to this order containing the following information separately for country elevators and for terminal and subterminal elevators.

Cars ordered:
Date wanted _____
Covered hoppers _____
Cars furnished:
Date _____
Covered hoppers _____

Substitution of one type of car for another or of smaller cars for larger cars ordered must be indicated by appropriate notes.

A copy of the summary report for the immediately preceding month shall be sent to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, on or before the seventh day of each month.

(h) The provisions of Service Orders Nos. 1182, 1234, 1280, 1304, 1305, 1310, 1312, 1313, and 1314, revisions thereof or amendments thereto, shall remain fully in effect.

(i) *Effective date.* This order shall become effective at 12:01 a.m., April 17, 1978.

(j) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10904 Filed 4-20-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Ruby Lake National Wildlife Refuge, Nev.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule establishes special regulations governing boating use at the Ruby Lake National Wildlife Refuge, Nevada. Regulations are required to resolve the conflict which has developed between boating and primary wildlife objectives. The intended effect is to minimize any adverse impact of boating on the primary wildlife objectives for which the refuge was established.

EFFECTIVE DATES: Effective April 21, 1978, through April 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Patrick O'Halloran, Area Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E-2740, Sacramento, Calif. 95825, 916-484-4664.

SUPPLEMENTARY INFORMATION: The primary author of this document is Ronald L. Fowler, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202-343-4305.

BACKGROUND

Public use on the Ruby Lake Refuge currently exceeds 50,000 visitors each year. Approximately 30,000 boaters annually are now using the 7,000-acre South Sump that makes up the southern portion of the refuge.

The refuge is one of the most important nesting areas for canvasback and redhead ducks in the Nation. About 4,000 canvasbacks and redheads are produced annually, chiefly on the South Sump, and the area has potential to produce considerably more. Continental populations of both species are low, largely as a result of habitat loss.

Boats are heavily used for fishing in the South Sump, although some bank fishing occurs. Only bank fishing is permitted in the North Sump. Current fishing use on the refuge is about 163,000 activity hours (AH), with 65 percent occurring on the South Sump. Boating also supports 2,000 AH of water-skiing, 900 AH of pleasure boating, and 700 AH of hunting on the South Sump.

When boating was first allowed in the 1940's, there was very little use and consequently not much disturbance to nesting. In recent years the annual increase in fishing has averaged 19 percent. The increase in boating has been even higher. The current level of boating use constitutes a serious threat to waterfowl nesting on the refuge, particularly canvasbacks and redheads. Additionally, the maintenance of high water levels required by large boats in the shallow marsh precludes managing the water for optimum wildlife benefits.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k), as amended, provides that recreation may be permitted on a national wildlife refuge only if such use does not prevent accomplishment of the primary purpose for which the refuge was established. Wildlife therefore, must be the dominant use of a national wildlife refuge and recreation must be secondary.

Under the current program, year-round boating without motors is permitted on the South Sump. Powerboating with no horsepower restrictions is allowed on the designated year-round powerboating area. Powerboating with no horsepower restrictions is allowed on all areas of the South Sump from July 1 to December 31. Water-skiing is allowed on a designated area of approximately 30 acres.

In June 1976, the Service completed an environmental impact assessment (EIA) on the effects of boating on the management of the refuge. The assessment is available from the Area Manager, Sacramento, California (address above). Public hearings were held at four locations in Nevada in September 1976 on the Service's proposals to resolve the conflict. The Service's original proposal featured a 10 horsepower limit on motor size, and an August 1 opening for boats with motors. This proposal was designed to reduce the disturbance to nesting waterfowl to a minimum and also reduce the potential for serious boat accidents. Under this proposal, water-skiing would have been discontinued.

Following a review of the Service proposal, the public hearing records, and an on-site inspection of the area, Assistant Secretary Robert L. Herbst decided to resolve existing conflicts by establishing speed limits and no wake zones in lieu of horsepower restrictions. Mr. Herbst also made the decision to reduce the total water areas available for powerboating by closing the north one-third of the South Sump to this use. The regulations will be in effect for one year, during which the full array of impacts will be assessed and analyzed. This rule is designed to mitigate adverse impacts of unrestricted recreational uses on wildlife. The Department of the Interior is considering the establishment of a Technical Advisory Committee for one year to evaluate the effectiveness of these regulations. Further information on the establishment of the Committee would appear in the FEDERAL REGISTER.

A serious problem which is directly attributable to the continued use of large powerboats at Ruby Lake is that the Service has not been able to manage water properly on the area. Higher than optimum water levels have been maintained in the South Sump to provide sufficient draft for large motors. Excessive water depths lead to a reduction of emergent vegetation required for optimum nesting by redheads and canvasbacks, reduced growth of desirable waterfowl food plant, and decreased availability of soil nutrients. To correct this problem, it is necessary to draw the unit down approximately every eight years. The next drawdown is scheduled for 1979. This action can be accomplished so that the bass and trout fishery will be fully protected; however, all powerboating will have to be foregone during the drawdown year. Also, a portion of the excess water being held in the South Sump is cirtical for maintaining migratory bird habitat in the North Sump. Therefore, it will be necessary on an annual basis to utilize some of this water in the North Sump.

SUMMARY OF PUBLIC COMMENT AND SERVICE RESPONSES

On August 25, 1977 (42 FR 42883) proposed special regulations were published governing boating use at Ruby Lake National Wildlife Refuge. In response to certain comments which were received, these proposed regulations were changed and reissued on October 27, 1977 (42 FR 56627).

Comments on both the August and the October proposed rules were considered in the formulation of the final rules. Comments were received from 18 agencies, organizations, and individuals. All but one objected to the proposed regulations.

The Nevada State Department of Fish and Game proposed redrafting the regulations on water-skiing to cite the fourth or subsequent boats in violation instead of all boats. This recommendation was accepted and a change has been made in the final rules. The Department of Fish and Game stated that administratively the maximum speed limit of 20 miles per hour is unenforceable because the accuracy of radar speed devices is questionable when vessels are traveling at 25 miles per hour or less under marsh-type conditions. They suggested that boats operating at excessive speed be cited for operation in a negligent and reckless manner. These changes would permit enforcement of the regulations adopted by the State. The State also recommended construction of a bypass to enable fishermen to enter areas south of the water-ski area without crossing the water-ski area.

The following agencies, organizations, and one individual said the proposed regulations were too restrictive:

Elko County Board of Commissioners
State Board of Fish and Game Commissioners
Nevada Department of Fish and Game
Elko Ruby Marsh Committee
Elko County Game Management Board
Ruby Recreation Association of White Pine County

The following agencies, organizations, and five individuals said the proposed regulations should be more restrictive:

Defenders of Wildlife
National Audubon Society
National Wildlife Refuge Association
Vancouver Wildlife League
Palous Chapter, National Audubon Society
Onondaga Chapter, National Audubon Society

Those who opposed the regulations as too restrictive offered the following reasons, comments, and recommendations:

1. The proposed regulations are invalid since they do not refer to proper legal authority [5 U.S.C section 553 (b)(2)], they do not include a map upon which to intelligently comment, and do not identify who has the authority to alter the zone boundaries.

Response: Public use special regulations on National Wildlife Refuges are issued pursuant to 50 CFR 26.33. Specific authorities are listed at the beginning of Part 26 of 50 CFR. It was not considered practical to print a map of this nature in the FEDERAL REGISTER. Since there are few landmarks in the Ruby Lake marsh to identify a zone boundary, posting of some zone lines will be to the best judgment of the Refuge Manager. He will have the authority to make minor adjustments to meet local conditions. Major adjustments to the boundary will require a change in regulations.

2. The regulations as proposed do not comply with the agreements and representations in Assistant Secretary Herbst's June 29, 1977, letter to Governor O'Callaghan.

Response: The regulations as proposed are believed to comply generally with the agreements and representations made by the Assistant Secretary.

3. Greater congestion and thereby a greater safety hazard will result at the main boat landing during July by the initiation of an August 1 opening in Zone 3.

Response: Some congestion and safety problems are expected but the extent should not be great.

4. No valid study exists demonstrating that the refuge is an important canvasback/redhead nesting area, that the area has potential to produce more canvasbacks and redheads, and that the current level of boating constitutes a serious threat to wildlife.

Response: There is a variety of written documentation indicating Ruby Lake is one of the most important canvasback/redhead nesting areas in the western states. Studies made on the refuge by Lowell L. Napier indicate a conflict between boating and nesting waterfowl but the extent of this conflict is very difficult to measure. There are also a variety of studies on other areas that demonstrate similar conflicts. Jahn and Hunt (1964) found that in Wisconsin breeding pairs are apparently intolerant of heavy fishing pressure, motorboating, and other types of disturbances. Mendall (1958) believed that excessive boating activities during nest site selection were responsible for substantial population decreases of ring-necked ducks in Maine. Bergman (1973) felt that human activities during the summer on certain Manitoba lakes discouraged canvasbacks and redheads from using the lakes. By necessity, assessment of the potential of the marsh to produce more must remain largely a matter of biological judgment.

5. In passing the Refuge Recreation Act of 1962 the intent of Congress was that a reasonable interpretation of compatibility be made.

Response: The present regulations constitue a reasonable interpretation of compatibility and do not prevent accomplishment of the primary purposes for which the refuge was established.

6. Opposed 10 a.m. to 5 p.m. waterskiing time, suggested this activity be open from daylight to dark.

Response: The implementation of the 10 a.m. to 5 p.m. restrictions provide an important period of protection for waterfowl resting.

7. Regulations reduce recreational opportunities on the refuge and property values in Shantytown.

Response: The EIA recognized some impact on the property values and on recreational opportunity with various alternative actions. The proposed regulations would have little impact on these values.

8. Comments in this category also recommended that the Service honor the Assistant Secretary's agreement with the Governor, provide regulations requiring construction of a bypass channel around the water-ski area, open zone 3 to motor boats on July 1, permit motorless boats and boats with electric motors year-round on the South Sump, and permit boats with motors in zones 2 and 3 from July 1 to December 31 with no horsepower or speed restrictions.

Response: No regulation is required to construct a by-pass. However, the Service is studying the feasibility of constructing a by-pass channel. Permitting the other actions would lead to additional adverse impacts on nesting birds and create an even greater impact than exists under the present regulations.

Those who opposed the regulations as too liberal offered the following reasons, comments, and recommendations:

1. The proposed regulations demonstrate a disregard for the primary purpose of the refuge, particularly nesting of canvasback and redhead ducks.

Response: The regulations were formulated with due consideration of the primary purposes of the refuge and do not prevent accomplishment of the primary purposes for which the refuge was established.

2. Regulations appear contrary to a number of statutory directions and the weight of evidence concerning the effect of boating on wildlife on the refuge.

Response: The weight of evidence as described in the EIA does indicate some adverse effect of boating on wildlife. The proposed regulations are intended to reduce some of this impact, and thus enhance productivity.

3. The proposed regulations violate the Refuge Recreation Act (16 U.S.C. 460k).

Response: The Act requires that recreation be compatible with the primary (wildlife) purposes for which the area was established. The proposed regulations permit a greater degree of compatibility than the present regulations and do not prevent accomplishment of the primary purposes for which the refuge was established.

4. The EIA was apparently disregarded in promulgating the regulations.

Response: The proposed regulations were derived from a combination and slight modification of alternatives VI and VII in the EIA.

5. The proposed regulations are a major Federal action requiring an Environmental Impact Statement under the National Environmental Policy Act, including an analysis of alternatives.

Response: Promulgation of these regulations is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

6. Conclude regulations are promulgated as a result of political pressures.

Response: The decision to adopt these regulations has been based on (1) a review of the conclusions of the Fish and Wildlife Service's Environmental Assessment, (2) applicable laws, (3) public input, (4) consultation with the appropriate State authorities, including the Governor and State Game and Fish Director.

7. Regulations are unenforceable.

Response: Enforcement will require public cooperation, additional enforcement efforts by the refuge and State and cooperation by the courts. The State of Nevada has agreed to provide assistance.

8. Regulations disregard the Service's duty to protect endangered species.

Response: No direct conflict with an endangered species is known.

9. Regulations do not correct public hazards associated with high speed boats.

Response: The regulations do impose speed limitations and will reduce these hazards in proportion to the effectiveness of the enforcement of the speed limits and to the degree of public compliance with the regulations. These regulations also eliminate powerboating in the north end and greatly restrict waterskiing activity, thereby reducing public hazards.

10. Comments in this category urged a return to a previous proposal to limit motorized boats to 10 horsepower maximum. (This proposal was announced through a news release by the Fish and Wildlife Service as an intended proposed rulemaking; however, it was never published in the FEDERAL REGISTER.) The comments also suggested prohibiting motorized boating until after August 1.

Response: The present proposal is an attempt to reduce wildlife conflicts and safety problems without eliminating secondary recreational opportunities. Permitting boat use before August 1 may have some adverse impact on some nesting birds.

It is the policy of the Department to allow a 30-day period between the publication of a final rule and the date it becomes effective. However, since the boating season is rapidly approaching and regulations governing this activity are required immediately, the Service has determined that there is good cause and it is in the best interest of the public to make this rule effective immediately upon publication.

As provided by 50 CFR 26.34, the Service hereby issues the following special regulations:

§ 26.34 Special regulations concerning public access, use, and recreation for individual national wildlife refuges.

NEVADA—RUBY LAKE NATIONAL WILDLIFE REFUGE

Beginning on April 21, 1978 and continuing until April 21, 1979, boats will be permitted only on that portion of the Ruby Lake National Wildlife Refuge known as the South Sump. The South Sump will be divided into zones, which will be identified by signs and delineated on maps available from the Refuge Manager and on maps posted at the boat landings.

Copies of the maps can also be obtained from the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE Multnomah Street, Portland, Oreg. 97232. The zones and the regulations applicable to each zone are as follows:

Zone 1—Motorless Boating Area. Period of use: year round. Boats without motors or boats with electric motors will be permitted. Motorless boats can go into zone 2 and 3, when these zones are open to boating.

Zone 2—Powerboat Area. Period of use: July 1 to December 31 on the east side. July 15 to December 31 on the west side. This zone will be open to all boats with no horsepower limitations. No boat may exceed 20 mph except on the designated water-ski area. On critical areas identified by signs, no boats may exceed 5 mph (no wake). Waterskiing will be permitted from 10 a.m. to 5 p.m. daily on the designated water-ski area only. No more than three (3) boats pulling water-skiers will be permitted to operate at any one time. If more than three water-ski boats are operating at any one time, the fourth boat and subsequent boats to be put in operation will be in violation.

Zone 3—Powerboat Area. Period of use: August 1 to December 31. This zone will be open to all boats with no horsepower limitations. No boat may exceed 20 mph. On critical areas identified by signs, no boats may exceed 5 mph (no wake).

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal which would require the preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 17, 1978.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc. 78-10789 Filed 4-20-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[7 CFR Part 301]

DOMESTIC QUARANTINE NOTICES

Japanese Beetle Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the Japanese beetle quarantine regulations to regulate only the interstate movement of aircraft which pose a threat to spread the Japanese beetle into certain states. This action is being taken because it is believed that the states have the capability to prevent the spread of the Japanese beetle by other regulated articles presently specified in the regulations and that Federal restrictions on these articles are no longer necessary. However, the states may not be able to regulate the interstate movement of aircraft, and, therefore, requirements regarding the interstate movement of aircraft during certain periods of time would be maintained in the regulations. The intended effect of this proposal would be to remove restrictions on the interstate movement of articles specified in the present regulations as regulated articles, and to specify as a regulated article aircraft moving from airports declared hazardous because of infestation of Japanese beetles.

DATE: Comments must be received on or before May 12, 1978.

ADDRESS: Submit written data, views, or arguments to: H. I. Rainwater, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, U.S. Department of Agriculture, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

H. I. Rainwater, 301-436-8247.

SUPPLEMENTARY INFORMATION: Infestations of Japanese beetles are known to occur in 24 states and the District of Columbia. The movement of articles which present a hazard to spread the Japanese beetle from infested areas into noninfested areas are regulated by the Japanese beetle quarantine and regulations (7 CFR 301.48 et seq.) in cooperation with the quarantined states.

It is proposed that aircraft would be the only article specified as a regulated article in the regulations. The reference to and the movement of all other articles presently specified as regulated articles in the regulations would be deleted because it is believed that the states have the capability to prevent the spread of the Japanese beetle by such articles. However, aircraft would still be regulated because it is believed that the states do not have the resources or authority to regulate the interstate movement of aircraft to prevent the spread of the Japanese beetle. It should be noted that under the present regulations, aircraft are regulated as a "means of conveyance." Means of conveyance, other than aircraft, would not be regulated under the proposed regulations because based upon the data and evidence which the Department has available, it appears less likely that means of conveyance other than aircraft would be able to successfully transport Japanese beetles from the quarantined states to states in which the beetle is not established but which would be conducive to the establishment of the beetle.

The proposed regulations delete regulated, suppressive and generally infested areas because such designations would no longer be necessary since only aircraft to be moved interstate from an airport declared by an inspector to be hazardous would be regulated. All hazardous airports would be within quarantined states. It is proposed that an airport would be declared hazardous by an inspector when he determines that adult populations of the Japanese beetle exist during daylight hours at the airport to the degree that aircraft destined for Arizona, California, Idaho, Nevada, Oregon, Utah or Washington constitute a threat to spread the Japanese beetle to these states. An airport would be declared hazardous only during daylight hours because it is believed that the Japanese beetle is active and poses a threat only during daylight hours.

The determination of whether conditions are conducive to the spread of the Japanese beetle by aircraft is believed by the Department to be dependent upon the adult populations of the Japanese beetle present at the airport in relation to the aircraft. The adult beetle populations present at the airport in relation to the aircraft at any given time is important because the larger the populations of the beetles and the closer they are to the aircraft, the greater the likelihood that such beetles may enter the aircraft and "hitchhike" to certain western states. Consequently, the determination of whether an airport should be declared to be a hazardous airport requires a consideration of this factor at any given time. Therefore, the expertise of the inspector is required to make such a determination.

It should be noted that only those aircraft moving from hazardous airports to the states of Arizona, California, Idaho, Nevada, Oregon, Utah and Washington would be regulated under the regulations. These areas are believed to be higher risk areas due to favorable ecological conditions, such as the amount of moisture present in the soil and the temperature. The ecological conditions do not appear to be favorable for the establishment of the beetle in the non-listed, nonquarantined states. Therefore, these regulations are proposed to prevent the spread and establishment of the Japanese beetle to the specified states.

The proposed regulations provide that when an airport is declared to be a hazardous airport, a regulated article (aircraft) may only be moved interstate to a designated state if the aircraft is treated in accordance with the provisions of the Treatment Manual or if the inspector upon visual inspection determines that such a regulated article does not present a threat to spread the Japanese beetle because adult beetle populations are not present with regard to the particular regulated article or if the regulated article arrives and leaves during the same non-daylight period. Treatment of the aircraft in accordance with the Treatment Manual will involve treating the interior of the aircraft with pesticides approved by the Environmental Protection Agency for such use. At the present time DDT/Carbaryl and d-phenothrin are the only insecticides approved by the Environmental Protection Agency for the threatment of aircraft under the Japanese beetle program. The Department is presently preparing an Environmental Impact Statement with respect to the treatment of aircraft under the Japanese beetle program and the statement will include an examination of the environmental effects of the use of the insecticides in such aircraft.

It appears that treatment of aircraft would be necessary to prevent the spread of the Japanese beetle to the

specified states. The two insecticides listed in the manual are the only insecticides which are approved by the Environmental Protection Agency for the treatment of aircraft and which are believed to be efficacious against the Japanese beetle.

As noted above, certain aircraft may move interstate from a hazardous airport without restriction if an inspector, upon visual examination, determines that such aircraft do not present a threat to spread the Japanese beetle because the adult beetle populations are not present with regard to the particular aircraft. This exception to the treatment requirement is proposed to avoid unnecessary treatment of aircraft. Further, aircraft arriving and leaving the hazardous airport during the same non-daylight period would be exempt from the treatment requirement because it is believed that the beetles are active only during daylight hours and therefore such aircraft would not pose a threat to spread the beetle.

However, before taking any futher action with respect to the treatment of aircraft, the Department intends to file a draft environmental Impact Statement and carefully consider any comments regarding the statement and this notice of proposed rulemaking.

As a result of these proposed changes, certain other requirements of the regulations would no longer be necessary, and, therefore, the proposed regulations would:

1. Delete requirements for the issuance, cancellation, attachment and disposition of certificates and permits. Such documents would no longer be necessary because the purpose of such documents is to inform the airlines and states of destination as to which aircraft have been treated. Since the proposed regulations would provide that the officials of hazardous airports, the officials of specific airlines and flights affected, and the destination state officials, will be notified by the Department as to which airports are declared hazardous, this additional method of notification would no longer appear to be needed.

2. Delete requirements for the use and cancellation of compliance agreements since these agreements were formerly utilized in connection with the movement of articles such as nursery stock, soil and sod which would no longer be regulated.

3.Delete requirements for assembly and inspection of regulated articles since aircraft would obviously not have to be assembled for inspection.

4. Revise the list of definitions to:

(a) add a definition of "hazardous airports" for purposes of these regulations;

(b) delete definitions for (i) "Certificate," "Compliance agreement," "Limited permit," "Restricted destination permit," "Scientific permit," "Generally infested area," and "Infestation" because these terms are not used in the proposed regulations; (ii) "Compacted soil," "Mechanicanized soil-moving equipment," and "Soil" because these items would no longer be regulated; (iii) "Regulated area" and "Suppressive area" because these areas would no longer be designated as such in the proposed regulations; and (iv) "Moved" because such a definition is no longer applicable.

(c) revise the definition for "Person" to include "partnership" among the organizations affected by the regulations in accordance with the relevant statutory authority, and

(d) revise the definition of "Treatment Manual" to delete references to "Fumigation Procedures Manual" and "Procedures for Applying Soil Surface and Foliage Treatments for Regulatory Purposes" and add "Plant Protection and Quarantine Treatment Manual." Fumigation procedures would no longer be utilized in the Japanese beetle program. Further, the procedures for applying soil surface and foliage treatment appear to be in part out of date and those parts which are not out of date would be contained in the Plant Protection and Quarantine Treatment Manual.

5. Delete the regulations which list exempted articles since there would not be regulated articles which would be exempt from the regulations.

6. Revise section 301.48 to consolidate subparagraphs (a) (1) and (2) for the editorial purpose of simplifying the regulations, and to revise subparagraph (b) to reflect the fact that the regulations will only regulate regulated articles to be moved interstate from hazardous airports destined to specified states.

7. Revise and redesignate sections and make various other editorial and minor changes.

Accordingly, it is proposed that the Japanese Beetle Quarantine and Regulations be amended as follows:

1. The table of contents would be amended to read:

Subpart—Japanese Beetle

Sec.

301.48- Notice of Quarantine; Quarantine restrictions on interstate movement of regulated articles.
301.48-1 Definitions.
301.48-2 Authorization to designate, and terminate designation of, hazardous airports.
301.48-3 Notification of designation and termination of designation of hazardous airports.
301.48-4 Conditions governing the interstate movement of regulated articles from quarantined States.
301.48-5 Inspection and disposal of regulated articles and pests.
301.48-6 Movement of live Japanese beetles.
301.48-7 Nonliability of the Department.

2. Sections 301.48 and 301.48—1 would be amended to read:

§ 301.48 Notice of quarantine, quarantine restrictions on interstate movement of regulated articles.

(a) Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, andsection 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, and 150ee),the Secretary of Agriculture hertofore determined after public hearing toquarantine the States of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri,New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia,and the District of Columbia in order to prevent the spread of Japanesebeetle, a dangerous insect, injurious to cultivated crops and not, theretofore,widely prevalent or distributed within or throughout the United States.

(b) No person shall move any regulated article interstate from any hazardous airport destined to any of the following States except in accordance with the conditions prescribed in this subpart: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

§ 301.48–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural and vice versa, as the case may demand. The following terms, when used in this subpart shall be construed, respectively, to mean:

(a) *Deputy administrator.* The Deputy Administrator of the Animal and Plant Health Inspection Service, for the Plant Protection and Quarantine Programs, U.S. Department of Agriculture, or any other officer or employee of the Department to whom authority has heretofore been, or may heretofore be, delegated to act in his stead.

(b) *Hazardous airport.* Any airport in a quarantined State declared hazardous in accordance with provisions in § 301.48-2 of this subpart.

(c) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

(d) *Interstate.* From any State into or through any other State.

(e) *Japanese beetle.* The live insect known as the Japanese beetle (*Popillia japonica* Newm.) in any stage of development (egg, larva, pupa or adult).

(f) *Person.* Any individual, corporation, company, partnership, society, or

association, or other organized group of any of the foregoing.

(g) *Plant protection and quarantine programs.* The organizational unit within the Animal and Plant Health Inspection Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Federal Plant Pest Act, and quarantines and regulations promulgated thereunder.

(h) *Regulated articles.* Aircraft at or from hazardous airports.

(i) *State.* Any State, territory, or district of the United States, including Puerto Rico.

(j) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Japanese Beetle Quarantine," and the "Plant Protection and Quarantine Treatment Manual."[1]

(k) *State plant regulatory official.* The authorized official of a State who has responsibility for the operation of the State plant regulatory program.

3. Sections 301.48-2, 301.48-2a, 301.48-2b, 301.48-3, 301.48-4, 301.48-5, 301.48-6, 301.48-7 would be deleted and the following new sections would be inserted to read:

§ 301.48-2 Authorization to designate, and terminate designation of, hazardous airports.

(a) An inspector may declare any airport within a quarantined State to be a hazardous airport when he determines that adult populations of Japanese beetle exist during daylight hours at the airport to the degree that regulated articles constitute a threat to spread the Japanese beetle and aircraft destined for the States listed in § 301.48(b) may be leaving the airport.

(b) An inspector shall terminate the designation provided for under paragraph (a) of this section when he determines that adult populations of Japanese beetle no longer exist at the airport to the degree that the regulated articles pose a threat to spread the Japanese beetle.

§ 301.48-3 Notification of designation, and termination of designation, of hazardous airports.

Upon designating, or terminating the designation of, an airport as hazardous, the inspector shall give written notice to the official in charge of the airport that the airport has been designated as a hazardous airport or that the designation has been terminated. The inspector shall also give the same information in writing to the official at the airport in charge of each airline or the operator of any other aircraft, which will move a regulated article to any State designated in § 301.48(b). The Deputy Administrator shall also give the same information to the State Plant Regulatory Official of each State designated in § 301.48(b) to which any regulated article will move.

§ 301.48-4 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

A regulated article may only be moved interstate from a hazardous airport to any State designated in § 301.48(b) if: (a) the regulated article has been treated in accordance with the Treatment Manual or (b) if the inspector, upon visual inspection, determines that the regulated article does not present a threat to spread the Japanese beetle because adult beetle populations are not present with regard to the particular regulated article or (c) if the regulated article arrives and leaves the hazardous airport during the same non-daylight period.

4. Sections 301.48-8, 301.48-9 and 301.48-10 would be redesignated 301.48-5, 301.48-6 and 301.48-7 respectively.

NOTE.— The Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., this 19th day of April 1978.

JOSEPH W. GENTRY,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 78-11083 Filed 4-20-78; 9:27 am]

[1] Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, U.S. Department of Agriculture, Washington, D.C. 20250, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[3410-15]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed New REA Form 397g, Performance Specification for Subscriber Line Concentrators

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 385-4 to announce the issuance of REA form 397g, Performance Specification for Subscriber Line Concentrators, to cover general requirements for concentrators and to provide for engineering details for specific installations. The effect of this action will be to greatly simplify and provide a uniform basis for future purchases of this equipment. On issuance of REA Bulletin 385-4, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than: May 22, 1978.

ADDRESS: Persons interested in REA Form 397g may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Maynard S. Knapp, Chief, Central Office Equipment Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1334, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone No. 202-447-5773.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 385-4. A copy of the proposed revision of REA Bulletin 385-4 and the proposed new REA form 397g may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: April 13, 1978.

C. R. BALLARD,
Assistant Administrator—Telephone.

[FR Doc. 78-10684 Filed 4-20-78; 8:45 am]

[3410-15]

[7 CFR Part 1701]

SPECIFICATIONS FOR ZINC AND MAGNESIUM SACRIFICIAL ANODES

Proposed REA Specifications DT-9 and DT-10

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to issue REA specifications DT-9, "REA Specification For Zinc Sacrificial Anodes," and DT-10, "REA Specification for Magnesium Sacrificial Anodes." These documents outline the REA specifications to which zinc and magnesium anodes must be manufactured in order to be acceptable for cor-

rosion protection of buried metals on systems of REA electrification borrowers. Rapid increases in corrosion problems on buried portions of electric systems, recently, have brought about a greater than usual demand for sacrificial anodes. Because of the concern for using only high purity, high quality anodes, REA considers it desirable to have references which clearly define the requirements of REA acceptable anodes. No such guidelines presently exist. The action is expected to assure availability and use of effective anodes.

DATE: Public comments must be received by REA no later than May 22, 1978.

ADDRESS: Interested persons may obtain copies of DT-9 and DT-10 from Mr. Rowland C. Hand, Sr., Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone No. 202-447-4413. All data, views, or comments should also be directed to Mr. Hand.

FOR FURTHER INFORMATION CONTACT:

Mr. Rowland C. Hand, Sr., 202-447-4413.

All written submissions made pursuant to this notice will be made availale for public inspection in the Office of the Director, Power Supply and Engineering Standards Division, during regular business hours.

Dated: April 13, 1978.

RICHARD F. RICHTER,
Assistant Administrator—Electric.

[FR Doc. 78-10788 Filed 4-20-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 211]

INCLUSION OF NONREFINING USES OF LOWER TIER CRUDE OIL WITHIN THE ENTITLEMENTS PROGRAM

Advance Notice of Proposed Rulemaking; Inquiry

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of inquiry (advance notice of proposed rulemaking).

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is requesting comments on expanding the coverage of its domestic crude oil allocation (or entitlements) program to provide for entitlement obligations or payments for the nonrefining uses of lower tier price-controlled domestic crude oil. The entitlements program as currently structured requires only refiners to account for the competitive advantages deriving from access to price-controlled crude oil. The notice asks for comment on whether firms using lower tier crude oil as, for example, a boiler fuel or bunker fuel should directly or indirectly incur an entitlement obligation on the same basis as would a refiner that processed that crude oil. We are requesting comments on our tentative conclusion that firms using price-controlled crude oil as a fuel, or engaged in the resale of crude oil for such use, should not possess a competitive advantage over firms that use or sell an equivalent refined product by being outside the entitlements program.

DATES: Comments by May 21, 1978, 4:30 p.m. Requests to speak by May 5, 1978, 4:30 p.m. Hearing dates: Washington hearing: May 17, 1978, 9:30 a.m.; San Francisco hearing: May 15, 1978, 9:30 a.m.

ADDRESSES: All comments to Public Hearing Management, Box SE, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461; requests to speak: Washington hearing—Public Hearing Management, Room 2313, Department of Energy, 2000 M Street NW., Washington, D.C. 20461; San Francisco hearing—Department of Energy, Attention: R. Laffel, Third Floor, 111 Pine Street, San Francisco, Calif. 94111. Hearing locations: Washington hearing—Room 2105, 2000 M Street NW., Washington, D.C. 20461; San Francisco hearing—Federal Courthouse, Courtroom 14, 7th and Mission, San Francisco, Calif. 94111.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, 2000 M Street NW., Room 2214B, Washington, D.C. 20461, 202-254-5201.

Ed Vilade (Media Relations), Department of Energy, 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street NW., Room 6128I, Washington, D.C. 20461, 202-254-8660.

Robert J. Kane (Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-7200.

Fred A. Wolgel (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, 202-566-2454.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Subjects for comment: A. Resellers. B. Refiners. C. Producers. D. Compensating entitlement issuances to refiners, producers, and resellers.
III. Alternative proposal as to producers.
IV. Additional comments requested.
V. Public hearing and comment procedures: A. Written comments. B. Public hearings.

I. BACKGROUND

The purpose of the entitlements program is to equalize, within a range to reflect quality differentials, the cost of crude oil among domestic refiners, and to spread equitably, among all sectors of the petroleum industry and among all consumers, the benefits of price-controlled domestic crude oil. To the extent that any firm obtains and consumes price-controlled lower tier crude oil without incurring an entitlement obligation, it is obtaining crude oil at a price far below the average price that refiners must pay, and consequently far below the average prices that other consumers must pay for petroleum products.

If, for example, a firm obtains a quantity of old oil at $5.30 a barrel and uses it for marine fuel on its ships, the benefits of domestic price controls for those volumes are captured by that firm and not shared among other refiners and their customers. To the extent that those volumes are so consumed, they would not be available to domestic refiners or the consumers of refined petroleum products. Since they would have to be replaced as a refinery feedstock by imported crude oil, the average crude oil costs for domestic consumers would increase, without any commensurate benefit in terms of increased supplies or otherwise. The nonrefining uses of lower tier crude oil thus act to deprive domestic refiners and consumers generally of the benefits of price-controlled crude oil, as well as conferring a windfall to certain end users roughly equal to the difference between the average cost of all crude oil paid by refiners and the price of the lower tier crude oil utilized. To the extent that the nonrefining uses of lower tier crude oil account for significant volumes, their exclusion from the entitlements program conflicts with the objective of section 4(b)(1)(F) of the Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93-159 (EPAA), which calls for "the equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry * * *."

There are four principal nonrefining uses of crude oil of which we are aware:

1. Consumption on the lease as "lease fuel" for enhanced production. For example, crude oil is burned to generate steam for injection into the crude oil reservoir.

2. Use in ships as bunker fuel. In some instances these ships are owned by large integrated refiners that produce the crude oil so used.

3. Use as a boiler fuel by industries and utilities.

4. Use as a non-refinery blendstock. Lighter crude oils, particularly lease condensates, may be blended into gasoline and middle distillates in facilities not meeting the current regulatory definition of "refinery".

II. Subjects for Comment

In this inquiry we are soliciting comments on whether the nonrefining uses of crude oil should incur an entitlement obligation on the same basis as if the crude oil were processed by a domestic refiner in its refinery. While no specific regulatory amendments are being offered for comment at this time, we have tentatively concluded that, as a general proposition, nonrefining uses of lower tier crude oil should be brought within the coverage of the entitlements program. We have set forth below our tantative views as to how this might be accomplished, and we specifically request comments both on the general proposition and on the specific manner in which the entitlements program would be made applicable to various nonrefining uses.

A. RESELLERS

Under one possible means of applying the entitlements program to nonrefining uses, any firm other than a refiner would be deemed to have a crude oil receipt (and a corresponding requirement to make an entitlement payment) for the volumes of lower tier crude oil sold to a firm for a use other than refining. For example, if a reseller were to sell lower tier crude oil for industrial boiler fuel use, that reseller would incur an entitlement obligation for those volumes sold. Sales of lower tier crude oil by a reseller to a refiner which consumed it for refinery fuel would not be deemed a crude receipt by the firm selling the crude oil, since such crude oil would be included in that refiner's crude oil receipts. In order to ensure that firms which consume lower tier crude oil for nonrefining uses obtain such crude oil subject to the cost-equalizing effect of the entitlements program, crude oil resellers would be permitted to pass through the cost of entitlements to such users, pursuant to an adjustment to the sale price in a month subsequent to a sale of crude oil. We solicit specific comments on the precise manner in which these pricing adjustments could and should be permitted. In particular, should the purchaser or purchasers of the lower tier crude oil (or the blended product, as discussed below) be the only customers of the reseller, the prices to which would reflect the reseller's entitlement obligation, or, alternatively, should the reseller be able to pass through the entitlement costs to any other or all of its customers?

We understand that crude oil is blended with residual fuel oil and sold for industrial end uses or as bunker fuel to ships. We would contemplate inclusion in a firm's crude oil receipts of the volumes of lower tier crude oil blended and sold for nonrefining uses. For example, if a firm blended 30 barrels of lower tier crude oil with 70 barrels of residual fuel oil and sold the blend as bunker fuel to a firm other than a refiner, the firm selling the blend would be deemed to have crude oil receipts of 30 barrels of lower tier crude oil (and the resulting applicable entitlement obligation) for purposes of the entitlements program. Similarly, if a firm sold very light crude oil or condensate to a second firm for blending into gasoline or middle distillates in a terminal or blending plant, the second firm would be deemed to have crude oil receipts with respect to such volumes, since it would sell the blended product for a nonrefining use.

B. REFINERS

As we currently contemplate inclusion of nonrefining uses in the entitlements program, a refiner would be required to include in its crude oil receipts the volumes of lower tier crude oil: (1) Consumed by that refiner, or (2) sold to a firm other than a refiner, for a use other than refining, even if such volumes had not been added to that refiner's refinery inventory. Where one refiner sells to another for a nonrefining use, the second refiner (the user) would include the crude oil in its receipts. Thus, if an integrated oil company sold or otherwise transferred lower tier crude oil from its production department to its transportation department for use as bunker, industrial, or utility fuel, it would be required to include such volumes in its crude oil receipts, even though under its historical accounting practices these volumes might not have been booked into its refinery inventories. But, if the sale were made to another party that is also a refiner, and that second refiner consumes or resells the crude oil for a nonrefining use, that crude oil would be reported as a receipt by the second refiner.

C. PRODUCERS

The ERA is also contemplating the inclusion within the entitlements program of the nonrefining uses of lower tier crude oil by producers. A producer would be deemed to have crude oil receipts for purposes of the entitlements program with respect to the volumes of lower tier crude oil produced and consumed by that producer. A producer would also be deemed to have a crude oil receipt with respect to the volumes of lower tier crude oil sold by that producer to a person or firm other than a refiner that consumes it for purposes other than as a refinery feedstock. However, the volumes of lower tier crude oil purchased and consumed by a producer would not be deemed a crude oil receipt by that producer. Rather, the seller of such crude oil to the producer would be deemed to have crude oil receipts for purposes of the entitlements program with respect to the volumes sold.

D. COMPENSATING ENTITLEMENT ISSUANCES TO REFINERS, PRODUCERS, AND RESELLERS

Since refiners, resellers, and producers would incur entitlement obligations under our tentative proposals for certain nonrefining uses of crude oil, the entitlement purchase obligation for those volumes would raise the cost of those volumes to approximately the weighted average cost of uncontrolled crude oil. Thus, we would propose that a firm with a nonrefining use entitlement obligation be deemed to have crude oil runs to stills (and thus receive entitlement issuances) for the volume of lower tier crude oil so used. The effect of this further entitlement adjustment would be to render the after-entitlement cost for the lower tier crude oil equivalent to the weighted average cost of crude oil for domestic refiners.

III. Alternative Proposal as to Producers

Notwithstanding the prior discussion regarding the inclusion of certain uses of lower tier crude oil by producers in the entitlements program, we emphasize that our determination to make such inclusion is very tentative at this point, and we solicit comments on an alternative proposal to exempt the use of lower tier crude oil by producers for the purpose of increasing production. It is the policy of the DOE, in carrying out the Congress intent expressed in the EPAA and the Energy Policy and Conservation Act, Pub. L. 94-163, and as expressed by the President in the National Energy Plan, to encourage maximum domestic crude oil production. The inclusion in the entitlements program of crude oil used by producers for the purpose of enhancing production may increase the costs of some domestic crude oil production and thus tend to reduce the amount of such production. Our proposals in this notice might therefore be considered as inconsistent with DOE's policy of encouraging enhanced domestic production.

On the other hand, we have received comments indicating that price con-

trols have caused a displacement of residual fuel oil as lease fuel by lower tier crude oil, since such controls have held the price of the latter well below the price of the former. Firms that have constructed refineries in producing areas to take advantage of the producing field market for residual fuel oil allege that they have been severly disadvantaged by the disappearance of their residual fuel oil market. Additionally, the exemption from the entitlements program of the nonrefining uses of lower tier crude oil by producers could be construed as contrary to the objective of equitable distribution of crude oil among all sectors of the petroleum industry, as expressed in section 4(b)(1)(F) of the EPAA. Finally, steam injection projects are considered by DOE to employ a tertiary recovery technique. The increased costs of production resulting from inclusion of the oil so consumed within the coverage of the entitlements program could be offset by the additional incentives that might be provided under the DOE's tertiary recovery incentive program.

Accordingly, we have tentatively determined that it would be appropriate to include the nonrefining uses of lower tier crude oil by producers within the scope of our proposal for comment, but solicit specific comments on whether the use of lower tier crude oil by producers for the purpose of enhancing production should be exempt from entitlement obligations.

IV. Addtional Comments Requested

We also request additional comments on the following:

(1) Whether it would be appropriate to include nonrefining uses of upper tier crude oil in the entitlements program in the same manner as is proposed for lower tier crude oil, so as to ensure that the benefits of all price-controlled crude oils are shared equitably among all consumers.

(2) What the actual volumes of lower tier, upper tier, and stripper well crude oil are that are consumed or sold by producers, resellers, and refiners, respectively, for nonrefining uses.

(3) Whether the entitlement issuances and obligations should be incurred by purchaser-consumers of crude oil, rather than sellers of crude oil, and whether it would be feasible to so provide.

(4) Whether the acquisition cost of lower tier crude oil for non-refining uses should be lower, higher, or equivalent to the acquisition cost of lower tier crude oil for domestic refiners.

(5) The extent to which inclusion of lower tier oil in the manner outlined here would increase the compliance, recordkeeping and report filing burdens for refiners, resellers, and producers.

(6) The methods that are available for determining the end use of the crude oil to ascertain whether it was consumed in non-refining uses.

(7) We are concerned that this notice may serve to increase the nonrefining uses of lower tier crude oil unitl such time as we adopt regulations removing the competitive advantage available for such uses. Accordingly, we specifically invite comments as to whether a future proposed rulemaking concerning these uses should be proposed to be retroactive to the date of issuance of this inquiry.

V. Public Hearing and Comment Procedures

A. WRITTEN COMMENTS

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the proposals set forth in this advance notice of proposed rulemaking. Comments should be submitted by 4:30 p.m., e.s.t., May 21, 1978 to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope and on the document with the designation: "Inclusion of Non-refining Uses of Lower Tier Crude Oil Within the Entitlements Program." Fifteen copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. PUBLIC HEARINGS

1. *Procedure for request to make oral presentation.* The times and places for the hearings are indicated in the "Dates" and "Addresses" sections of this preamble. If necessary to present all testimony, a hearing will be continued to 9:30 a.m. of the next business day following the first day of the hearing.

If you have an interest in the proposals in this notice, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make oral presentation by 4:30 p.m., e.s.t., May 5, 1978. You should be prepared to describe the interest concerned and, if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m., e.s.t., May 10, 1978 and will be required to submit one hundred copies of your statement to the appropriate address indicated in the "Addresses" section of this preamble before 9:30 a.m., p.s.t., on May 15, 1978, for the San Francisco hearing, and before 4:30 p.m., e.s.t., on that date, for the Washington, D.C. hearing.

2. *Conduct of the hearings.* We reserve the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at each of the hearings. They will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at either of the hearings to the address indicated above for requests to speak before 4:30 p.m., e.s.t., May 12, 1978. If you wish to ask a question at a hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at a hearing, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of each hearings, including the transcripts, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of a hearing from the reporter.

Issued in Washington, D.C., April 17, 1978.

David J. Bardin,
Administrator, Economic Regulatory Administration.

[FR Doc. 78-10804 Filed 4-20-78; 8:45 am]

[6310-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 300]

[PDR-53; Docket No. 32436; April 14, 1978]

RULES OF CONDUCT IN BOARD PROCEEDINGS

Practice by Former Board Members and Employees

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a rule which would require former Board members and employees who wish to appear on behalf of a private party within three years after leaving the Board's employment to file a statement explaining why they are not disqualified by applicable law from so appearing. This rule is being proposed on the Board's own initiative because of Congressional concern that all agencies adopt means of enforcing the applicable law.

DATES: Comments by June 5, 1978. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 32436, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Individuals may submit their views without filing multiple copies. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Thomas Ray, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5424.

SUPPLEMENTARY INFORMATION: A Federal statute (18 U.S.C. 207) bars former Government employees from (i) ever acting as agent or attorney for anyone other than the United States in connection with any proceeding in which they had participated personally and substantially as a Government employee, and (ii), for one year after the end of their Government employment, from acting as agent or attorney for anyone other than the United States in connection with any proceeding which had been under their official responsibility as a Government employee. These statutory provisions are incorporated in the Board's Rules of Conduct, 14 CFR 300.13, 300.14.

The Board, however, has not created any mechansim for checking to see whether its former employees are complying with the statute and our rules. We are not aware that this has been a serious problem. Recently, there have been expressions of concern that agencies are not adequately enforcing the statute. A recent report of the Senate Committee on Governmental Affair stated, for example,

> "[E]ach of the agencies has a responsibility to make certain that former officials and employees are not unlawfully practicing or appearing in their proceedings.
>
> "It is therefore incumbent upon those agencies to proceed directly to formulate processes for the implementation of 18 U.S.C. 207. We note with dismay that well over half of the fifteen agencies considered in this study have not taken such action, even though the statute has been in effect for more than fifteen years." [1]

At the Committee's request, moreover, the General Accounting Office has been examining the experience of the Board and other agencies with their ex-employees' compliance with the statutory restrictions. Some members of the GAO staff have informally advised our staff that the Board's existing informal enforcement mechanism may be inadequate for assuring that the Board's former employees always obey the restrictions of 18 U.S.C. 207. [2]

Some regulatory agencies have adopted rules to create a way of enforcing 18 U.S.C. 207. The Securities and Exchange Commission and Commodity Futures Trading Corporation each require every former employee for 2 years after leaving the agency to give notice before appearing before it on behalf of a private party. The notice must both describe the nature of the ex-employee's employment by the private party and explain why it does not violate the restrictions on former Government employees. 17 CFR 200.735.8(b); 17 CFR 140.735-10(c).

The Federal Trade Commission, on the other hand, prohibits former employees from participating in any matter which has been pending before the FTC while the person had been employed there, unless the ex-employee first obtains the Commission's consent. Such consent will normally be granted if the former employee's appearance before the FTC will not involve any actual or apparent impropriety. 16 CFR 4.1. [3]

We believe that the Board should create a means of enforcing the provisions of 18 U.S.C. 207. Those provisions reflect Congress' determination that the unrestricted participation of former Government employees in proceedings in which they had been involved as federal employees could create conflicts of interest. The importance of the statute calls for a more vigorous effort on our part to enforce it. As between the approaches of the SEC and FTC, however, we have chosen to propose the adoption of a rule which, like the SEC's rule, will require the filing of a statement by former employees explaining their eligibility to appear in each Board proceeding where they intend to participate on behalf of a private party.

WE have decided not to propose a rule like the FTC's prior approval rule. Such a rule would impose the possibly burdensome duty on our staff to review and recommend approval or disapproval of waiver requests. The FTC rule, moreover, could delay a former employee's work on a Board proceeding because of the time needed to process the waiver request. We also note that the Board once had a rule requiring prior approval before former employees could participate in certain Board matters within six months after leaving the Board. Section 300.15, adopted by PR-75, March 15, 1963. [4] Seven years later, however, the Board

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[1] Senate Committee on Government Operations, Study on Federal Regulations, S. Doc. 92-25, 95th Cong., 1st Sess. (1977), vol. I, pp. 82-83.

[2] There is additional evidence of the current concern with the conflicts of interest which may result from ex-Government employees appearing before their former agency. Thus, for example, we note that the President has recommended that 18 U.S.C. 207 be additionally strengthened. His proposal would extend for an additional year the prohibition against participation in matters previously within an ex-employee's official responsibility. It would also forbid a higher-level employee (GS-16 or above) for one year after leaving the Government from contacting or making any appearance before the agency where he had been employed. A bill incorporating these proposals, S. 555, was passed last year by the Senate, although the House has not acted on it yet. A bill introduced in the House in 1977, H.R. 6954, also contains these proposals.

Similarly, the District of Columbia Bar Association ethics committee is concerned with the potential conflicts which may arise from the representation by a former agency attorney of private parties in proceedings before his former employer. The committee is therefore suggesting rules to prevent the occurrence of such conflicts.

Our rulemaking, however, proposes only to enforce the present provisions of 18 U.S.C. 207.

[3] The Federal Maritime Commission has a similar rule, 46 CFR 502.32.

[4] The rule read,

"Within six months after termination of employment with the Board, no former Board member or employee shall appear before the Board on behalf of, or represent in any other manner, any person in connection with any proceeding which was pending before the Board at the time of his employment, unless he first obtains the written consent of the Board upon a verified showing that he is not barred by § 300.13 or § 300.14 and that he did not give personal consideration to the matter or proceeding, and did not gain particular knowledge of the facts thereof by reason of his employment."

decided to eliminate the rule. PR-115 (November 24, 1970). The rulemaking notice explained,

"The Board is unable to conclude in the light of experience that its regulations should be more stringent than the conflicts-of-interest law, and furthermore finds that the requirement for filing and processing waiver requests imposes an unnecessary burden upon former employees and the Board's staff."

We believe that requiring former Board employees to file notices explaining their eligibility to represent a private party in a Board matter should provide adequate assurance that such persons are complying with the restrictions imposed on them by 18 U.S.C. 207.

We have determined that the filing requirement should continue for three years after the person has left the Board. The three year period should mean that a former employee will be required to submit the explanatory statement in virtually all proceedings which were relative to or grew out of his or her Board duties. A notice will also be required, however, in any proceeding which had been before the Board while the former employee worked for the Board. Finally, under our proposal the notices filed by former employees will be publicly available.[5]

Accordingly, the Board proposes to amend Part 300 of our Procedural Regulations (14 CFR 300) as follows:

A new § 300.18, would be added to read as follows:

§ 300.18 Practice by former Board Members and other employees.

(a) Any former employee of the Board who is employed as the representative of any person (other than the Government) and intends to appear before the Board either (i) in a matter which was pending before the Board while the former employee had been with the Board, or (ii) in any Board matter within 3 years after ceasing to be a Board employee, shall, within 14 days of such employment, or of the time when appearance before the Board is first contemplated, whichever occurs first, file with the Docket Section a statement as to the nature of such employment or appearance together with an explanation as to why it is consistent with §§ 300.13 and 300.14 of this Part and with 18 U.S.C. 207. Employment of a recurrent character may be covered by a single comprehensive statement. Each such statement should include a caption indicating that it is filed pursuant to this section and the name and docket number (if any) of the Board matter. The reporting requirements of this paragraph do not apply to communications incidental to court appearances in litigation involving the Board.

(b) As used in this section the term "appear before the Board" means a personal appearance before or communication with the Board or any of its Members or employees in connection with any proceeding or matter of substance arising under the statutes and regulations administered by the Board.

(c) One copy of each statement filed under this rule shall be filed in the correspondence or other appropriate file of the matter, which shall be available for inspection and copying during business hours in the Docket Section or other appropriate office. In addition, one copy shall be filed in chronological order in a "Part 300" file maintained in the Public Reference Room.

(Sec. 204, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-10920 Filed 4-20-78; 8:45 am]

[5] Since Part 300 includes Board Members in its definition of "employees," § 300.0, the rule will apply to former Members as well as the Board's staff.

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 148]

[Docket No. 78N-0063]

FROZEN STRAWBERRIES

Revised Proposal to Establish Standards of Identity and Quality

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document is a revised proposal to establish standards of identity and quality for frozen strawberries in order to adopt, to the extent praticable, the Codex standard developed by the Codex Alimentarius Commission and submitted to the United States for acceptance. This revision incorporates comments received in response to the initial proposal and reflects the recent recodification of food and drug regulations.

DATES: Comments by June 20, 1978; the Commissioner proposes that all products initially introduced into interstate commerce on or after July 1, 1979, shall comply with the regulation, except as to any provisions that may be stayed by the filing of proper objections.

ADDRESS: Written comments, data, or information to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Prince G. Harrill, Bureau of Foods (HFF-411), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of October 4, 1974 (39 FR 35809), the Commissioner of Food and Drugs proposed to establish new Part 32 (21 CFR Part 32) (redesignated as Part 148 after recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). The October 1974 proposal contained definitions for frozen fruits under § 148.3 (21 CFR 148.3) and standards of identify under § 148.170(a) (21 CFR 148.170(a)) and quality under § 148.170(b) (21 CFR 148.170(b)) for frozen strawberries in consideration of the acceptance by the United States of the "Recommended International Standard for Quick Frozen Strawberries" (the Codex standard) (CAC/RS 52-1971). The Codex standard was set forth in the preamble to the October 1974 proposal.

After considering the comments received, the Commissioner has determined that it would be in the interests of consumers to publish a revised proposal to establish standards of identity and quality for frozen strawberries. The Commissioner also maintains that adoption of the Codex standard would benefit consumers and facilitate international trade, and he therefore proposes to adopt the Codex standard to the extent practicable. A consumer organization, two trade associations, and a food processor submitted comments to the October 1974 proposal. These comments and the Commissioner's response to them are as follows:

PERCENTAGE LABELING OF CHARACTERIZING INGREDIENT

One comment requested label declaration of the density of the sirup packing medium (e.g., extra light sirup, light sirup, or heavy sirup) as a part of the name of the food.

The Commissioner notes that various sirups such as "light sirup" or "heavy sirup" have been used as liquid packing media for canned fruits for many years and are defined in terms of permissible sirup density ranges in the various standards of identity for canned fruits. He notes that the density range for a given sirup designation, such as "heavy sirup", differs for different canned fruits and further that such sirup designations have been neither defined nor used for the labeling of frozen fruits packed with added sweetener. The Commissioner is not aware of general consumer interest in

the use of such terms for the labeling of frozen fruits with added sweetener and, in any event, has no data for use in establishing reasonable density ranges to define such terms. Anyone who has information demonstrating a need for this type of labeling should submit a petition documenting such need.

The Commissioner advises that, as an alternative to requiring declaration of sirup density, he is applying the principles set forth § 102.5(b)(2) (21 CFR 102.5(b)(2)) as they pertain to the label declaration of a characterizing ingredient whose proportion in the food has a material bearing on price or consumer acceptance.

The October 1974 proposal provided that the name of the packing medium, e.g., sugar or sirup, preceded by "with", shall appear in conjunction with or in close proximity to the name of the food. This current proposal further provides for a declaration in the name that the food is sweetened. The Commissioner is aware that frozen strawberries are packed with varying proportions of sweeteners and strawberries and proposes that, since strawberries are the characterizing ingredient, the percentage of strawberries contained in the food be declared as part of the name of the food, as specified in § 102.5(b)(2). The declaration of the percentage of strawberries would enable consumers to determine the portion of the food made up of other ingredients such as sweeteners.

Minimum Soluble Solids Requirements

One comment states that a minimum soluble solids requirement based on the fluid resulting from comminuting strawberries with sirup is meaningless.

The October 1974 proposal provided that, for frozen strawberries packed in a dry nutritive carbohydrate sweetener, the total soluble solids content of the liquid extracted from the thawed cominuted product shall be not more than 35 percent nor less than 18 percent by weight. The proposal also provided that, for frozen strawberries packed in a liquid nutritive carbohydrate sweetener, the total soluble solids content of the liquid extracted from the thawed comminuted product shall be not more than 25 percent nor less than 15 percent by weight. The Commissioner notes that these proposed minimum and maximum soluble solids requirements, in effect, set minimum and maximum levels on the amount of strawberries that must be present. However, he now believes such compositional limitations would be more appropriately set out on a percentage basis consistent with the proposed requirement that the percentage of strawberries be declared as part of the name of the food. He notes that the minimum percentage of strawberries that must be present in the food can be calculated from an algebraic equation relating the proposed maximum limit on the total soluble solids content of the liquid extracted from the thawed comminuted product to the sum of the soluble solids contributed by the strawberries and by the sweetener used, assuming strawberries with a minimum soluble solids content.

Data available to the Commissioner (Osborn, R. A., "Chemical Composition of Fruit and Fruit Juices," *Journal of the Association of Official Agricultural Chemists*, 47(6):1068, 1964; Boland, F. E., V. H. Blomquist, and B. Estrin, "Chemical Composition of Fruits," *Journal of the Association of Official Agricultural Chemists*, 51(6): 1203, 1968) indicate that strawberries vary in soluble solids content from a minimum of 5.2 percent to a maximum of 13 percent. A copy of the data is on file with the Hearing Clerk, Food and Drug Administration. A product prepared from strawberries of such minimum composition (5.2 percent soluble solids) and dry sweetener must consist of at least 69 percent strawberries and 31 percent dry sweetener to meet the proposed maximum total soluble solids requirement of 35 percent for strawberries packed in dry sweetener. A product prepared from strawberries of 5.2 percent soluble solids and a liquid sweetener of 60 percent soluble solids must consist of at least 64 percent strawberries and 36 percent liquid sweetener to meet the proposed maximum total soluble solids requirement of 25 percent for strawberries packed in a liquid sweetener.

Based on this information, the Commissioner has deleted the proposed soluble solids requirements and the analytical procedure for determining the soluble solids requirements and is now proposing minimum requirements of 69 percent strawberries for frozen strawberries packed in a dry nutritive carbohydrate sweetener and 64 percent strawberries for frozen strawberries packed in a liquid nitritive carbohydrate sweetener.

The Commissioner notes that the maximum soluble solids limits from which the minimum percentages were calculated are included in the Codex standard for frozen strawberries and thus reflect international understanding of the accepted compositional limitations for this food. He believes these limitations also reflect consumer expectations as well as current industry practice in this country regarding the minimum amount of strawberries that should be present in this food. However, he particularly requests comments regarding the proposed minimum percentages. In addition, the Commissioner notes that the minimum soluble solids limits proposed in the FEDERAL REGISTER of October 4, 1974 could be used as a basis for calculating a corresponding maximum percentage composition. However, he is of the opinion that maximm limits on the amount of strawberries present in the food are not needed, and, therefore, they are not proposed.

Label Declaration of Sweetener

One comment stated that the name of the sweetener used in the product may significantly affect the consumer's decision to purchase the product and should be a part of the name of the food rather than merely being listed in "small type" in the ingredient statement.

The Commissioner does not agree with this comment. The October 1974 proposal provided that the name of the packing medium, e.g., sugar or sirup, preceded by "with", shall appear in conjunction with or in close proximity to the name of the food. The Commissioner believes that, for informative labeling, the name of the food need only include a statement that the food has been sweetened. He therefore proposes that the name of the food shall include an appropriate statement such as "sweetened" or "with added sweetener" to indicate that the food has been sweetened. He believes the declaration of the individual sweeteners in the ingredient statement by their common or usual name provides adequate information to permit consumers to make an informed decision about the nature of the product.

Botanical Name

One comment objected to the proposed reference to strawberries of the genus *Fragaria* rather than to any particular species or hybrids. It stated that the species *Fragaria ananassa* Euch. encompasses the cultivated species both in the United States and Europe.

The Commissioner does not agree with this comment. He understands that the majority of cultivated strawberries are varieties of *Fragaria ananassa* Duchesne but that varieties of other species sometimes are cultivated. He therefore proposes that the standard of identity provide for the use of strawberries of the genus *Fragaria* and not any particular species or hybrids.

Repackaging of Individually Quick Frozen Strawberries

One comment stated that the production of halved, sliced, and cut styles of frozen starwberries from individually quick frozen (IQF) whole strawberries would produce an unacceptable consumer product. It suggested that the production of frozen strawberries for manufacturing and

direct consumption from IQF strawberries be restricted to whole style and that fresh strawberries be used to produce all styles, i.e., whole, halved, sliced, and cut.

The Commissioner concurs and has revised proposed § 148.170(a)(1) accordingly.

USE OF ANTIOXIDANTS

One comment strongly favored limiting the antioxidants, as in the recommended international standard, to ascorbic acid and citric acid, "both natural fruit acids of unquestioned safety," rather than allowing the addition of any safe and suitable antioxidants. The comment stated that the use of substitutes for ascorbic acid and citric acid should not be encouraged by the standard of identity and, furthermore, any request for use of antioxidants other than ascorbic acid and citric acid should require submission of a petition.

The Commissioner is aware that ascorbic acid and citric acid are the antioxidants generally used in frozen strawberries. However, he points out that any safe and suitable antioxidant presently may be used in frozen strawberries. The Commissioner maintains that food standards should provide, whenever possible, for safe and suitable classes of optional ingredients so that manufacturers will have flexibility in the selection of specific ingredients used in foods. If the ingredient is unsafe, it may not be used, as is clear from the definition of "safe and suitable" ingredient in § 130.3(d) (21 CFR 130.3(d)). In recent years, the newly established or amended standards of identity, when appropriate, have permitted broad classes of optional ingredients but have required label declaration of each optional ingredient used by its common or usual name. Therefore, the Commissioner again proposes in § 148.170(a)(1) that the standard provide for the optional use of safe and suitable antioxidants and that such ingredients be declared on the label as required by Part 101 (21 CFR Part 101).

PARTIAL WHOLE STRAWBERRIES

Two comments were received regarding partial whole strawberries. One comment objected to the provision allowing frozen whole strawberries to contain up to 20 percent partial whole berries. It further stated that the proposed definition of a partial whole strawberry as a berry which consists of less than 75 percent of the whole strawberry is false and misleading. the second comment stated that a joint study was conducted by the American Frozen Food Institute (AFFI) and U.S. Department of Agriculture (USDA) to determine the extent to which frozen whole strawberries are damaged (less than 100 percent whole) under current manufacturing practices. The data obtained in the study, the comment stated, indicate that the proposed definition for partially whole strawberries as being less than 75 percent intact is no longer valid. Since the strawberries are reduced from a 100 percent whole condition chiefly by mechanical means, it recommended that the nomenclature for this type of defect be changed from "partially whole" to "mechanical damage." It further recommended that the definition of a whole strawberry be changed to include strawberries 90 percent or more intact rather than only 75 percent intact. The comment concluded by recommending that the allowance for the defect (whole strawberries less than 90 percent intact) be changed from 20 percent to 25 percent, by count.

The October 1974 proposal provided that for frozen whole strawberries, not more than 20 percent by weight may consist of strawberries that have less than 75 percent of the whole strawberry intact. Strawberries that are 75 percent or more intact, based on that proposal, are considered whole strawberries. The proposed requirement for partial whole strawberries was based on the USDA voluntary grade standard for frozen strawberries, currently designated U.S. Grade B. This aspect of the grade standard has been in effect since establishment of the standard in 1942. The Codex standard is silent on the presence of partial whole strawberries in frozen whole strawberries.

The Commissioner is aware that in picking strawberries in the field, when the cap of the strawberry is removed, part of the strawberry other than just the cap may be removed even under good agricultural practices, producing a berry that is less than 100 percent intact. He points out also that, if IQF whole strawberries are not properly frozen individually before bulk packaging, the berries tend to freeze in clamps; that properly bulk-packaged IQF strawberries, if inadvertently allowed to thaw, tend to form clumps of berries on refreezing; and, further, that in the repackaging operation, when the large clumps of frozen berries are separated, they tend to break or shatter into pieces rather than separate into the original whole strawberries.

It is the opinion of the Commissioner that consumers expect frozen whole strawberries to consist of whole strawberries that are essentially intact except for that portion of the berry removed under good agricultural practices. He therefore proposes that frozen whole strawberries be defined as consisting of whole strawberries intact except for that portion of the strawberry removed under good agricultural practices. Further, he proposes in § 148.170(b)(1)(iv)(*d*), based on the data submitted by AFFI along with its comment, that a limitation of not more than 20 percent by weight of partial whole strawberries (whole strawberries that are less than intact) is reasonable and it is not necessary to increase the limitation for partial whole berries to 25 percent by count. The Commissioner also proposes that chipping as the result of repacking whole strawberries be included as a defect.

DECAYED STRAWBERRIES

Two comments opposed providing for decay as a factor of quality. One comment stated that the allowance for the presence of decayed strawberries indicates a "casual attitude" which is no longer acceptable in view of present-day knowledge that decay is not merely an esthetic consideration. It further stated that knowledge of mycotoxins, some of which are potent carcinogens, should alert us to the hazards of consuming decayed fruit and that, until there is evidence that the decay in strawberries does not consist of mycotoxins or that mycotoxin are present in minimal, unavoidable amounts, decayed fruit should be prohibited by the standard of quality.

The Commissioner recognizes that decay and damage by insects or birds are not factors of quality under section 401 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 341). Such conditions are dealt with under other sections of the act. The Commissioner, therefore, is revising § 148.170(b)(1)(iv)(*a*) and (v)(*a*) of the proposed standard of quality to apply only to strawberries that are blemished or not normally developed (hard, seedy, or deformed end).

DOUBLE TOLERANCE

One comment suggested deletion of the provision in the standard of quality that blemished or not normally developed and uncolored units in halved, sliced, and cut styles may exceed the specified tolerance but not twice the tolerance if the sample unit is otherwise free of defects, since such a tolerance has no sound statistical basis in relation to the basic tolerance.

The Commissioner concurs. He further agrees that a similar provision for whole style should be deleted and has revised the proposal accordingly.

SAMPLE SIZE FOR DETERMINATION OF QUALITY

One comment stated that the determination of quality should be based upon a drained fruit sample, as in the recommended international standard, rather than the proposed net weight sample. The comment stated that because there is no specific fill or drained weight requirement proposed, quality could be determined on a con-

tainer with few strawberries and a lot of sirup.

The Commissioner does not agree with this comment. The sample for the determination of quality according to the recommended international standard is obtained by thawing the product (with or without added sweetener(s) or sirup packing medium) until it is practically free from ice crystals and then draining on a screen containing 3 mesh/centimeter (8 mesh/inch) for 2 minutes. Determination of the quality of the product is then based on a 500 gram (17.6 ounce) sample of the fruit remaining on the screen. In the opinion of the Commissioner, the dry sweetener(s) or sirup will not properly separate from the strawberries to permit an accurate determination of the quantity of strawberries in the product. Therefore, the Commissioner believes it is better to base the sample size for the determination of quality on the net weight, and this requirement is retained in the proposal.

Drained Weight

One comment stated that the Food and Drug Administration (FDA) apparently believes (see paragraph 13 of the preamble to the October 1974 proposal) (39 FR 35812) that strawberries represent about 75 percent of the net weight, a 70 percent drained weight requirement would appear entirely appropriate. The comment pointed out that a test report published in the October 1972 issue of "Consumer Reports" found that the drained weight of various brands of frozen strawberries ranged from 47 percent to 72 percent of the label weights.

The Commissioner is aware that various brands of frozen strawberries may vary widely in composition. However, as stated earlier, he is of the opinion that compositional limitations should be set out on a percentage basis rather than establishing a minimum drained weight requirement.

Ingredient Statement

One comment stated that it prefers the recommended international requirement that all ingredients be listed on the label. It further stated that it hopes FDA will press Congress for amendment of the Federal Food, Drug, and Cosmetic Act to require full ingredient labeling of standardized foods.

The Commissioner has actively supported full ingredient labeling of standardized foods in testimony before Congress. In the absence of the legal authority to require that the labels bear such information, FDA policy, as set forth in § 101.6 (21 CFR 101.6), has been to encourage manufacturers, packers, and distributors to declare voluntarily all ingredients in standardized foods.

Declaration of Country of Origin

One comment stated that any attempt to show country of origin of strawberries is effectively nullified by the requirements in the recommended international standard that (1) the country of origin of the product shall be declared if its omission would mislead or deceive the consumer and (2) when the product undergoes processing that changes its nature in a second country, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling. The comment continues that it believes that the country in which the strawberries were grown is the country of origin, even if they were processed elsewhere. It further states that packages should be labeled to show the country in which the strawberries originated to allow consumers to exercise free choice, regardless of the reasons for that choice.

Declaration of the country of origin is a requirement under the laws administered by the U.S. Customs Service. The Federal Food, Drug, and Cosmetic Act requires the label to bear the name and address of either the manufacturer, packer, or distributor. When a product is repacked or distributed by an American firm, it is sufficient for that firm to place its name and address, qualified as the packer or distributor, on the label.

Publication of Sampling Plans

One comment stated that the sampling plans should be published for comment in a separate Federal Register document rather than in a Federal Register document concerning one specific food, such as frozen strawberries.

The Commissioner has published sampling plans several times, including under Part 158 (21 CFR Part 158) in conjunction with the establishment of definitions for frozen vegetables in § 158.3 (21 CFR 158.3) and standards for frozen peas in § 158.170 (21 CFR 158.170) in the Federal Register of January 28, 1974 (39 FR 3541) and in a proposal published in the Federal Register of November 7, 1975 (40 FR 52172) to require label declaration of the drained weight of canned fruits and vegetables. He maintains that it is more appropriate to publish sampling plans in conjunction with proposals regarding the particular foods to which they are applicable than to publish them in a separate Federal Register document.

Sweeteners in Dry Packs

One comment requested confirmation that the dry nutritive carbohydrate sweeteners as defined in Part 168 (21 CFR 168) are provided for as packing media in "dry packed" frozen strawberries.

The Commissioner confirms this interpretation.

Sweeteners in Sirup Packs

One comment requested confirmation of its interpretation of § 148.170(a)(4)(ii) that the dry forms of the nutritive carbohydrate sweeteners described in Part 168 may be dissolved in water and used as packing media or the liquid sweeteners described in Part 168 may be used directly as packing media in "wet packed" frozen strawberries.

The Commissioner confirms this interpretation.

Use of Metallic Fasteners

One comment suggested that the standard prohibit the use of metallic fasteners for sealing packages of frozen strawberries. The comment stated that the firm has used millions of pounds of frozen strawberries over the past 20 years or more and that its number one problem has been keeping metallic fasteners such as staples out of its finished food. The firm further states that it now refuses to accept any containers so fastened.

The presence of such material in the finished food constitutes adulteration which is not considered a part of food standards but is dealt with under other sections of the act. The Commissioner, therefore, is not proposing a statement as part of the standards which would prohibit the use of metallic fasteners in the packaging of frozen strawberries.

Size Designations

One comment questioned the restriction of the size designations of frozen strawberries to three sizes. It stated that its specification for the purchase of IQF strawberries includes the size range of ⅝ inch to 1 inch (0.625 inch to 1 inch).

The proposed size designations represent current USDA grade specifications that have been in effect for at least 20 years. The Commissioner recognizes that many buyers of frozen strawberries have specifications that may differ from the proposed size designations but fall within the individual ranges. The Commissioner believes the proposed size designations for frozen strawberries are reasonable and therefore proposes no change.

Alternative Style Designations

Codex (6.1.2(a)) states that there shall appear on the label in conjunction with, or in close proximity to, the word "strawberries," a declaration of the style as appropriate: "halves," "slices," or "cut."

Although no comment was received concerning label declaration of the style of the strawberries units, the Commissioner proposes in consider-

ation of current labeling practices that "halves" may be designated as "halved" and "slices" as "sliced."

DEFINITION OF "HALVES," "SLICES," AND "CUT"

Codex (2.3.1) provides for but does not define the optional styles.

In the interest of clarity, the Commissioner proposes in § 148.170(a)(2) to define the terms "halves," slices," and "cut" as follows: "halves" shall be defined as consisting of strawberries cut predominately into two equal parts, "slices" as consisting of strawberries cut into units having essentially parallel cut surfaces, and "cut" as consisting of strawberries cut into units other than halves or slices.

PROCESS DEFINITION

Codex (2.2) includes a process definition of quick freezing.

Since the temperature requirements and other provisions of this definition would not be enforceable, they are not included in the proposal set out below. Frozen strawberries shall, however, be prepared in accordance with good manufacturing practice regulations which are enforced by the Food and Drug Administration.

In consideration of the comments received and other relevant information, the Commissioner is of the opinion that it will promote honesty and fair dealing in the interest of consumers to establish difinitions for frozen fruits and standards of identity and quality for frozen strawberries as set forth below.

The Commissioner proposes that all products initially introduced into interstate commerce on or after July 1, 1979, shall comply with the regulation, except as to any provisions that may be stayed by the filing of proper objections.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 25.1(d)(4) (21 CFR 25.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend 21 CFR Chapter I by establishing a new Part 148, consisting at this time of two sections, to read as follows:

PART 148—FROZEN FRUITS

Subpart A—General Provisions

Sec.
148.3 Definitions.

Subpart B—Requirements for Specific Standardized Frozen Fruits

Sec.
148.170 Frozen strawberries and frozen strawberries for manufacturing.

AUTHORITY: Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).

Subpart A—General Provisions

§ 148.3 Definitions.

For the purposes of this part:

(a) Compliance means the following: Unless otherwise provided in a standard, a lot of frozen fruit shall be deemed in compliance for the following factors, to be determined by the sampling and acceptance procedure as provided in paragraph (b) of this section, namely:

(1) *Sizes of whole frozen fruits.* A lot shall be deemed in compliance for size requirements of whole frozen fruits (size graded) when the number of defectives does not exceed the acceptance number in the sampling plans.

(2) *Quality.* The quality of a lot shall be considered acceptable when the number of defectives does not exceed the acceptance number in the sampling plans.

(b) The sampling and acceptance procedure means the following:

(1) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(2) *Lot size.* The number of primary containers or units (pounds when in bulk) in the lot.

(3) *Sample size.* The total number of sample units drawn for examination from a lot.

(4) *Sample unit.* A container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for examination or testing as a single unit.

(5) *Defective.* Any sample unit shall be regarded as defective when the sample unit does not meet the criteria set forth in the standards.

(6) *Acceptance number* (c). The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements. The following acceptance numbers shall apply:

Lot size	Size container: Net weight equal to or less than 1 kg (2.2 lb)	
	n	*c*
Number of primary containers:		
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19

	Net weight greater than 1 kg (2.2 lb)	
	n	*c*
Number of pounds:		
20,000 or less	13	2
More than 20,000 to 100,000	21	3
More than 100,000 to 200,000	29	4
More than 200,000 to 400,000	48	6
More than 400,000 to 600,000	84	9
More than 600,000 to 1,000,000	126	13
More than 1,000,000	200	19

n-number of sample units.
c-acceptance number.

(7) *Acceptable quality level* (AQL). The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

Subpart B—Requirements for Specific Standardized Frozen Fruits

§ 148.170 Frozen strawberries and frozen strawberries for manufacturing.

(a) *Identity*—(1) *Product definition.* Frozen strawberries is the food prepared from sound properly ripened whole fruit of the strawberry plant of the genus *Fragaria* in the optional styles specified in paragraph (a)(2) of this section. The food may be prepared directly from fresh strawberries or, in the case of frozen whole strawberries as provided in paragraph (a)(2)(i) of this section, from individually quick frozen whole strawberries. The strawberries are stemmed, washed, drained, and packed either without a packing medium or with one of the optional packing media specified in paragraph (a)(4) (i) and (ii) of this section. When packed in one of the optional packing media specified in paragraph (a)(4)(i) of this section, frozen strawberries shall contain a minimum of 69 percent strawberries. When packed in one of the optional packing media specified in paragraph (a)(4)(ii) of this section, frozen strawberries shall contain a minimum of 64 percent strawberries. Such food may also contain safe and suitable antioxidants as an optional ingredient. The strawberries are preserved by freezing in accordance with food manufacturing practices.

(2) *Styles of pack.* The optional styles of the strawberry ingredient referred to in paragraph (a)(1) of this section are:

(i) *Whole.* Consisting of whole strawberries, intact except for that portion of the berry removed by good agricultural practices.

(ii) *Halves.* Consisting of strawberries cut predominately into two equal parts.

(iii) *Slices.* Consisting of strawberries cut into units having essentially parallel cut surfaces.

(iv) *Cut.* Consisting of strawberries cut into units other than halves or slices.

(3) *Sizes of whole frozen strawberries.*(i) When size graded, not more than 10 percent by count of the strawberries are such that the diameter of the largest strawberry exceeds the diameter of the smallest strawberry by more than 10 millimeters (0.4 inch), measured according to the maximum diameter. The term "maximum diameter" means the greatest dimension measured at right angles to a straight line extending from the stem to the apex. The following terms shall apply for the purpose of size designation of whole strawberries:

Size designation	*Maximum diameter*
Small	Less than 16 mm (0.625 in).
Medium	16 mm (0.625 in) to 32 mm (1.25 in), inclusive.
Large	Larger than 32 mm (1.25 in).

(ii) Determine compliance as specified in § 148.3(a).

(4) *Packing media.* The optional packing media referred to in paragraph (a)(1) of this section are:

(i) One or any combination of two or more safe and suitable dry nutritive carbohydrate sweetener(s).

(ii) An aqueous packing medium containing one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) in an amount not exceeding that required to cover the strawberries and fill the spaces between them.

(5) *Labeling.* (i) When packed in "package" form as that term is defined in § 1.20 of this chapter, the name of the food is "strawberries"; when packed in other forms of packaging, the name is "strawberries for manufacturing." The name of the food shall include:

(*a*) The words "frozen" or "quick frozen" and

(*b*) In the case of frozen strawberries in dry sweetener(s) or sirup medium as provided by paragraph (a)(4) (i) and (ii) of this section, respectively, the percent strawberries contained in the food in the manner set forth in § 102.5(b)(2) of this chapter and an appropriate statement such as "sweetened" or "with added sweetener" to indicate that sweetener has been added.

(ii) The following shall appear in conjunction with or in close proximity to the name of the food:

(*a*) The style as provided in paragraph (a)(2) of this section. "Halves" may be alternatively designated "halved," and "slices" as "sliced."

(*b*) If a reference to the size of whole strawberries is made, the size designations set forth in paragraph (a)(3) of this section shall be used.

(iii) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) *Quality.* (1) The standard of quality for frozen strawberries other than frozen strawberries for manufacturing is as follows:

(i) *Stems.* Not more than six attached or detached stems (stalks) each longer than 3 millimeters (0.1 inch) in one dimension, per sample unit.

(ii) *Extraneous vegetable material measurable by area.* Not more than 5 square centimeters (0.775 square inch) of extraneous vegetable material (calyces and leaves and portions thereof), per sample unit.

(iii) *Extraneous vegetable material not measurable by area.* Not more than two pieces of extraneous vegetable material not measurable by area (vines), per sample unit.

(iv) *For whole strawberries—(a) Blemished or not normally developed.* Not more than 10 percent by weight shall be blemished or not normally developed (hard, seedy, or deformed end).

(*b*) *Completely uncolored.* Not more than two strawberries per sample unit shall be completely uncolored (75 percent or more of the outer surface green, white, or pinkish white).

(*c*) *Partially uncolored.* Not more than 10 percent by weight shall be partially uncolored, with 25 to 75 percent of the outer surface green, white, or pinkish white.

(*d*) *Partial whole.* Not more than 20 percent by weight shall consist of whole strawberries that are less than intact including chips from repacking.

(*e*) *Sum of defects.* The sum of the defects described in paragraph (b)(1)(iv)(*a*), (*c*), and (*d*) of this section shall not exceed 25 percent by weight.

(v) *For halves, slices, and cut styles—(a) Blemished or not normally developed.* Not more than 5 percent by weight shall be blemished or not normally developed (hard, seedy, or deformed end).

(*b*) *Uncolored.* Not more than 10 percent by weight shall be uncolored (50 percent or more of the uncut or outer surface green, white, or pinkish white).

(*c*) *Disintegrated.* Not more than 30 percent by weight shall be disintegrated (broken, crushed, smashed, or mushy).

(*d*) *Sum of defects.* The sum of the defects described in paragraph (b)(1)(v) (*a*) and (*b*) of this section shall not exceed 12 percent by weight.

(2) *Sample unit size.* The sample unit for determining compliance with the requirements of paragraph (b)(1) of this section shall be 500 grams (17.6 ounces) for frozen strawberries without dry sweetener(s) or sirup packing medium and 650 grams (22.9 ounces) for frozen strawberries with dry sweetener(s) or sirup packing medium.

(3) *Compliance.* Determine compliance as specified in § 148.3(a).

(4) *Substandard.* If the quality of the frozen strawberries falls below the standard prescribed in paragraph (b)(1) of this section, the label shall bear the general statement of substandard quality specified in § 130.14 of this chapter in the manner and form specified; however, in lieu of the words prescribed for the second line in the rectangle, the following words may be used where the frozen strawberries fall below the standard in only one respect: "Below standard in quality ——," the blank to be filled in with specific reason for substandard quality as listed in the standard.

The Commissioner proposes that all products initially introduced into interstate commerce on or after July 1, 1979, shall comply with this regulation, except as to any provisions that may be stayed by the filing of proper objections.

Interested persons may, on or before June 20, 1978 submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 11, 1978.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc. 78-10533 Filed 4-20-78; 8:45 am]

[1505-01]

[21 CFR Parts 182, 184, 186]

[Docket No. 78N-0013]

SULFURIC ACID, AND AMMONIUM, CALCIUM, POTASSIUM, AND SODIUM SULFATES

Proposed Affirmation of GRAS Status as Direct and Indirect Human Food Ingredients

Correction

In FR Doc. 78-7483, appearing at page 12874 in the issue of Tuesday, March 28, 1978, the first section heading in the third column on page 12876 should read, "§ 184.1095 Sulfuric acid."

[1505-01]

[21 CFR Parts 312, 314, 431, 514, 601, 807, 814]

[Docket No. 77N-0248]

PUBLIC INFORMATION

Disclosure of Existence

Correction

In FR Doc. 78-7923, appearing at page 12869 in the issue of Tuesday, March 28, 1978, make the following changes:

1. On page 12871, second column, the fourth line should read, "may come forward with helpful information con-".

2. On page 12873, third column, the heading for § 314.11 should read, "Confidentiality of data and information in a new animal drug application file."

[4110-03]

[21 CFR Part 558]

[Docket No. 77N-0318]

NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Animal Feeds Containing Penicillin and Tetracyclines

AGENCY: Food and Drug Administration.

ACTION: Extension of comment period on proposed rule.

SUMMARY: The Food and Drug Administration is extending the time for filing written comments on the proposal to limit the distribution of animal feed premixes containing penicillin or tetracyclines (chlortetracycline, oxytetracycline) to feed mills holding approved medicated feed applications and to restrict the distribution of such feeds to the order of a licensed veterinarian. The extension is granted in response to requests from several concerned parties.

DATE: The deadline for written comments was April 20, 1978; it is now extended to June 19, 1978.

ADDRESS: Comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Gerald B. Guest, Bureau of Veterinary Medicine (HFV-101), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 20, 1978, (43 FR 3032) the Commissioner of Food and Drugs, based on the recommendations of the National Advisory Food and Drug Committee concerning evidence of the development and transfer of antibiotic resistance, proposed to limit the distribution of animal feed premixes containing penicillin and tetracyclines (chlortetracycline and oxytetracycline) to feed mills holding approved medicated feed applications for manufacturing those medicated feeds. He also proposed to restrict further the distribution of those feeds to the order of a licensed veterinarian as part of the record maintenance requirements of the Federal Food, Drug and Cosmetic Act.

Interested persons were given until April 20, 1978 to file written comments on the proposal. Subsequently, in the FEDERAL REGISTER of February 7, 1978 (43 FR 5010) the Commissioner announced that public hearings would be held on March 23, 1978 in Ames, Iowa, on March 30, 1978 in Raleigh, North Carolina, and on April 6, 1978 in Dallas, Texas, to receive information and views from interested persons on the January 20, 1978 proposal.

The Agency has received requests from Members of Congress Virginia Smith and George Hansen, The Animal Health Institute, American Cyanamid Company, and Diamond Shamrock Corporation to extend the time for submitting comments because of time needed to review and comment on the hearing transcripts and written presentations submitted at the three public hearings. The requests for extension are on file in the office of the Hearing Clerk (HFC-20), Food and Drug Administration.

The Commissioner agrees that additional time for submission of comments is appropriate and extends the period for comment on the proposal to June 19, 1978.

Dated April 18, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 78-10940 Filed 4-20-78; 8:45 am]

[4110-03]

[21 CFR Part 1040]

[Docket No. 76N-0383]

MERCURY VAPOR LAMPS

Proposed Performance Standard

AGENCY: Food and Drug Administration.

ACTION: Proposed regulation.

SUMMARY: This is a proposal to establish a performance standard for high-intensity mercury vapor discharge lamps to reduce the possibility of injury from exposure to short wavelength ultraviolet (UV) radiation from broken mercury vapor lamps. The proposed standard would apply to any lamps, including "metal halide" and "self-ballasted" types, that incorporate a high-pressure arc discharge tube with a fill consisting primarily of mercury and surrounded by an outer envelope, that are designed, intended, or promoted for illumination purposes and are manufactured or assembled on or after 6 months after the date of publication of the final regulation based on this proposal.

DATE: Comments by June 20, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

George C. Jan, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Mercury vapor lamps have become a popular light source for illumination because they are efficient in producing light and because their long life and compact size permit easy maintenance and convenient light control. The lamp industry has estimated that more than 25,000,000 mercury vapor lamps are installed in this country. This type of lamp is used in various lighting applications including school gymnasiums, stores, industrial facilities, streets, and highways. Yet members of the public, in general, are not aware of, or do not know how to prevent, the potential radiation hazard associated with the use of these lamps. Such potential radiation hazard occurs when the outer bulb of a mercury vapor lamp is broken while the inner arc tube of the lamp continues to operate. This results in the emission of hazardous short wavelength UV radiation. The short wavelength UV radiation can produce painful short-term effects such as eye irritation and skin burn. Bioeffects studies, including epidemiological studies of human populations, also indicate possible long-term effects of UV radiation, such as premature skin-aging and malignant skin tumors as a result of prolonged or repeated exposure. The injury reports received by FDA in the past 2½ years further indicate an acute radiation hazard from broken mercury vapor lamps. For the protection of the public health it is apparent that the short wavelength UV radiation from a broken lamp should be effectively controlled or eliminated.

In attempting to solve this problem, FDA has collected information

through investigations of injury reports, laboratory tests, and communications with lamp manufacturers and has issued hazard warnings and recommendations for safe use. Such information has been distributed to architects, purchasers, users, trade associations, publishers, all State radiation control agencies and the FDA regional and district offices. The agency also has collaborated with representatives of a committee under the American National Standards Institute (ANSI) in the development of a national consensus standard that was approved by the ANSI Board of Standard Review in November 1976.

The agency has also taken steps under the authority of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, secs. 356, 358 (42 U.S.C. 263d, 263f)) to develop a proposed Federal regulation. A notice of intent to consider the need for a regulatory performance standard and proposed radiation safety criteria for the manufacture of mercury vapor lamps was published in the FEDERAL REGISTER of October 8, 1976 (41 FR 44421). That issuance invited any interested party to comment on the agency's proposed criteria, or other appropriate requirements of a standard, and the possible environmental and economic impacts in establishing such a standard. In addition, the mercury vapor lamp problem and the agency's proposed actions were reviewed on two separate occasions by the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) at their 13th meeting in September 1975 and 14th meeting in April 1976. An FDA status report concerning mercury vapor lamps was presented at the TEPRSSC's 15th meeting on May 6, 1977. The notice of intent and the proposed criteria, the comments received, and the transcripts of advisory committee meetings are on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

The Commissioner is now proposing a regulation that would permit two types of mercury vapor lamps: One that is self-extinguishing and the other that is not. The proposal would require a self-extinguishing mercury vapor lamp to cease operation within 15 minutes or less after the outer envelope is broken so that excessive exposure to such radiation is less likely to occur. Other requirements on lamp and package labeling for both self-extinguishing and non-self-extinguishing lamps are set forth in the proposal, while yet additional requirements for advertising for lamps that are not self-extinguishing are included to assure that adequate information is provided to the user for the safe use of the product. In developing the proposed regulation, FDA has considered all comments received, information from injury reports, the results of testing and research conducted at the agency's laboratories, and radiation protection guidelines developed by other groups such as the occupational UV exposure criteria recommended by the National Institute for Occupational Safety and Health and the voluntary standard for mercury vapor lamps developed by ANSI.

More than 200 comments were received in response to the October 8, 1976 notice of intent. Comments were received from lamp manufacturers, utility companies, and municipal or local governments, as well as the National Rural Electric Cooperative Association. The important issues raised by the comments and the Commissioner's proposed resolution of these issues are summarized as follows:

MERCURY VAPOR LAMP INJURIES

1. In response to a list of topics for which information was specially solicited in the published notice, many comments were received regarding injuries from mercury vapor lamps and steps that should be taken to prevent injuries. Several comments noted that almost all documented injuries and potential dangers were associated with indoor lamp installations of relatively low mounting heights and with prolonged exposures. A number of comments contended that the evidence of human injury or potential hazard was insufficient to warrant any drastic action and questioned the appropriateness of the FDA proposal.

The agency has continued to receive reports of injury resulting from broken mercury vapor lamps. To this date, more than 190 persons in this country reportedly have been injured. This is three times the number of reported injuries on file when the October 1976 notice of intent was published. Although different degrees of hazard may exist for different applications, the Commissioner has concluded that the reported injuries do not demonstrate that all outdoor uses are safe. He also notes that the exposure times as documented in the injury reports only reflected the durations of exposure experienced by the injured persons, but were not the least or minimum exposure times needed to produce injuries. He believes the continued reports of injury clearly demonstrate the need for this proposed standard.

ALTERNATE MEANS OF CONTROL

2. One comment suggested that the obvious means to avoid incidents was to minimize or eliminate the source of lamp breakage and once broken, to promptly replace the lamp.

The Commissioner agrees that the suggested means is quite obvious, but it is not always possible to eliminate lamp breakage and a damaged lamp can be replaced promptly only if it is identified quickly; reports indicate that damaged lamps are usually not found until people report injuries. Moreover, the agency does not have clearly defined authority either to require the use of shields to protect lamps against breakage, or to require the replacement of damaged lamps. Therefore, the Commissioner has concluded that, though prompt replacement of the damaged lamp is a good maintenance practice, it cannot be relied on as a dependable control of the radiation hazard.

3. Another comment suggested that mercury vapor lamps be prohibited from indoor use and that sodium vapor lamps, which are considered more efficient in producing light, should be used instead.

The agency, however, again does not have clearly defined authority to regulate the type of lamps which shall be used in a given facility. Nor does the Commissioner believe that the use of mercury vapor discharge lamps should be restricted, provided safe use of the product can be assured.

4. Many persons preferred a user education program rather than imposing product performance requirements. They argued that proper education of building and fire inspectors, maintenance and security personnel, along with lamp warning labels, can provide the same degree of protection as fail-safe lamps at a greatly reduced cost and without a gross waste of energy.

The Commissioner agrees that an educational approach has merit and such an approach has been employed and will be continued, but it is not considered to be an adequate substitute for the engineering safety improvement of the product. Furthermore, there has been insufficient information submitted to support the argument that the fail-safe lamp will result in a gross energy waste. The Commissioner considers the educational and engineering approaches complementary and believes that a better result will be obtained by combining these two approaches in the effort to protect the public health.

REGULATORY VERSUS VOLUNTARY APPROACH

5. Among those comments received that supported the development and promulgation of a Federal regulatory standard, there was some reservation about the applicability of the standard. Several comments agreed with the agency's intent to issue radiation performance criteria for mercury vapor lamps, without specifically expressing their preference for either mandatory or voluntary criteria. In contrast, a number of comments con-

tended that the criteria should be voluntary to keep the inevitable cost to a minimum. One comment endorsed the idea of a regulatory approach provided there is no major economic impact, but the same comment observed that any severe economic impact resulting from the regulation could eventually be lessened or eliminated by converting to other types of high-intensity discharge lamps.

The Commissioner shares the respondents' concerns about the potential economic impact, but he is not convinced that the voluntary approach, if successful, would be less expensive.

6. Some comments suggested that, instead of promulgating a Federal regulation, the additional protection needed for certain applications could be provided by means such as local or State building or installation codes, enforced either at the State or local level or by the Occupational Safety and Health Administration. Other comments suggested that the proposal should be delayed, withdrawn, or left to ANSI for proper action.

The Commissioner believes that the safe use of a product largely depends on the safety inherent in the design and performance of the product. A Federal regulatory standard can require that a product protect against injury, and the standard would apply, if adopted, to all mercury vapor lamps imported into or manufactured in this country. The implementation and enforcement of such a standard, particularly those provisions concerning warning labels or advertising materials for lamps that are not self-extinguishing, will be consistent and effective through established procedures, such as reporting and recordkeeping requirements, issuance of policy guides by the agency to provide uniform interpretations of the regulation, inspection of products and quality control at the factory by FDA personnel, and through education and guidelines for safe use directed to purchasers, designers, and users. Therefore, the Commissioner has concluded that a regulatory standard for mercury vapor lamps should be promulgated under the authority of the Radiation Control for Health and Safety Act of 1968 and rejects the suggestions for delays, withdrawals, or other approaches to the problem.

Applicability of the Proposed Standard

The applicability of the proposed standard and the definitions used therein would be specified in proposed § 1040.30 (a) and (b) (21 CFR 1040.30 (a) and (b)), respectively. The Commissioner is proposing that the standard become effective 6 months after publication of the final rule to assure that self-extinguishing lamps are available at the earliest possible date.

Because several lamp manufacturers now market self-extinguishing lamps, the Commissioner believes that the proposed effective date is practical and will not impose an unreasonable burden on any lamp manufacturer.

7. Comments on the proposed radiation safety criteria in the October 8, 1976 notice questioned the meaning of the term "mercury vapor lamp." One comment said the term appears too broad and would include other efficient light sources containing mercury vapor such as high-pressure sodium, metal halide, and fluorescent lamps. Another comment expressed a different view, asserting that a definition should be so worded as clearly to include the metal halide lamps.

"Mercury vapor lamp" was not specifically defined in the October 8, 1976 notice. The Commissioner agrees the term is ambiguous and should be defined. Therefore, proposed § 1040.30(b)(1) defines a "mercury vapor lamp" to include metal halide and self-ballasted lamps that contain primarily mercury in the inner arc tube. Metal halide and self-ballasted types of high-intensity discharge lamps have similar physical structure and emission characteristics, and the Commissioner believes they could pose a similar radiation hazard to the public. The proposed definition, however, would not apply to high-pressure sodium lamps or fluorescent lamps because currently available information is not sufficient to identify a public health risk in the use of such products.

8. Several comments requested that FDA consider minimizing regulatory restrictions for lamps used with fixtures equipped with protective coverings or other means to eliminate any radiation hazard.

The Commissioner is aware that some protective shieldings, properly installed, may be able to minimize or eliminate the radiation hazard. But, he is not convinced that such shielding will protect against injury from UV radiation under all use conditions. The Radiation Control for Health and Safety Act of 1968 provides authority to issue radiation-safety performance standards for the manufacture of electronic products which emit radiation. These standards may include requirements upon manufacturers to provide warnings and other information to users to assure radiation safety. The Act, however, does not provide clearly articulated authority for FDA specifically to regulate the manner in which an electronic product subject to such a standard is used. And, in any event, because of the variety of luminaires and use conditions, it would neither be practical nor feasible to impose a standard on the lamp and luminaire combined. The Commissioner welcomes comments directed both to the question of legal authority to regulate product use, as well as to the reasonableness of such an approach. The Commissioner, of course, will encourage users to employ lamps with a self-extinguishing feature for all applications except those cases where the probability of extended human exposure to the UV radiation from a broken lamp is unlikely. Nevertheless, the proposed standard would not preclude or prohibit other means to assure the safe use of mercury vapor lamps.

9. One comment suggested that the arc-extinguishing requirement be restricted to mercury vapor lamps of 175 watts and above. The comment argued that the intensity of the UV radiation is much lower for lower-wattage lamps.

The limited data submitted by the respondent indicate that the relative UV intensity from a 75-watt lamp is only about eight times less than that from a 400-watt lamp. These data do not support the idea as expressed in the comment that the lower-wattage lamps are safe. The Commissioner notes that, owing to different installation conditions such as mounting heights and fixture types, radiation from a lower-wattage lamp can be just as hazardous at a closer exposure distance or for a longer period of exposure time. Further, because of the structural variations and different operating conditions, it is not uncommon for a lower-wattage mercury vapor lamp to emit radiation comparable to that from a lamp of higher wattage. Therefore, the Commissioner concludes it is inappropriate to exempt lower-wattage lamps from the provisions of the standard.

10. Another comment suggested that certain tubular-shape and parabolic-aluminized reflector types of mercury vapor lamps that are not intended for general lighting should be exempted from the self-extinguishing requirement of the proposed criteria because it is unlikely that people will be exposed for extended periods of time.

The Commissioner recognizes that these types of lamps are basically intended for specific purposes such as building or landscape floodlighting and specialized optical applications. These lamps can, however, be used in applications other than those intended. Human exposure to unnecessary short wavelength UV radiation is still possible when the outer envelope of such lamp is broken. The Commissioner advises that the proposed standard would not require that all lamps self-extinguish, but the standard would require that lamps that do not meet this provision be properly labeled and contain clear warnings against any misuse.

11. Many comments contended that any standard should apply to indoor

installations only, or conversely that outdoor lighting application be exempted.

The Commissioner believes that to draw a distinction between indoor and outdoor applications oversimplifies the problem and does not allow for flexibility for different uses of the lamps. For example, residential street lighting is not necessarily less hazardous than the lighting of some unfrequented warehouse. The Commissioner believes that exposure duration is a more important factor than is site of use in evaluating the risk associated with these products. But he is persuaded that the previously proposed imposition of the standard on all mercury vapor lamps for all applications is not necessary. He has, therefore, accepted the concept of two types of mercury vapor lamps: One that would be self-extinguishing and one that would not be, and he has incorporated this concept into this proposal by providing separate requirements in § 1040.30(d) and (e). Adequate safety warnings would be required on packaging and in advertising for lamps that are not self-extinguishing. The effectiveness of this approach would depend on the understanding and cooperation of the purchaser and user, particularly those who are responsible for the installation and maintenance of the lamps. The Commissioner expects that a concerted effort on the part of manufacturers and FDA to increase the public's awareness of this problem and the potential liability of management personnel for injuries caused by improper use of lamps will reasonably assure proper use of the two types of lamps. However, the Commissioner welcomes any comment concerning the adequacy of the proposed two-lamp concept.

GENERAL REQUIREMENTS FOR ALL LAMPS

Proposed § 1040.30(c) would set forth the general requirements concerning certification and identification. Paragraph (c)(1) would require all high-intensity mercury vapor lamps to be permanently labeled or marked in such manner that the identity of the manufacturer and the month and the year of manufacture of the lamp can be determined even after the outer envelope is broken or removed. The required information may be expressed in code or symbols provided the manufacturer has previously supplied the Director of the Bureau of Radiological Health with the key to such code or symbols. For practical reasons, proposed § 1040.30 (c)(2) would also permit the manufacturer, in lieu of permanently affixing or inscribing tags or labels on the product itself as required by §§ 1010.2 and 1010.3 (21 CFR 1010.2 and 1010.3), to place the required tags or labels on packaging that is uniquely associated with the lamp.

REQUIREMENTS FOR SELF-EXTINGUISHING LAMPS

Proposed § 1040.30(d)(1) would require a self-extinguishing lamp to terminate emission of short wavelength UV radiation that results from the electric arc discharge between the main electrodes of the lamp within a cumulative operating time not to exceed 15 minutes following lamp breakage. Section 1040.30(d)(1)(i) would prescribe the breakage conditions on the effective date of the standard, while § 1040.30(d)(1)(ii) would specify more restrictive breakage conditions that apply 6 months after the effective date.

The Commissioner advises that the 15-minute cut-off time is based on consideration of biological effects, economic impact, and technical feasibility. Data presented by lamp manufacturers at the November 25, 1975 meeting between the staff of the Bureau of Radiological Health and ANSI's working group on mercury vapor lamps indicated that more than 93 percent of the lamps under test extinguished the arc tube within a period of 15 minutes. This is believed to be in the range of extinguishing time that will not affect either the structural integrity or the expected life span of the lamp. Thus, the economic impact of this requirement would be minimal. Bioeffects research data indicate, however, that a shorter cut-off time may be desirable, and lamp manufacturers have recently demonstrated that designing a lamp that would cease operation within a much shorter period following complete outer bulb breakage is feasible. Therefore, the Commissioner will reconsider and may modify this provision if life testing on such lamps shows that adverse effects on the reliability of the lamp is negligible, or the 15-minute termination time proves to be inadequate to protect the public from injury.

In defining complete breakage or removal of the outer envelope of the lamp, proposed § 1040.30(d)(1)(i) excepts fragments of the envelope that extend 50 millimeters or less from the base shell—this exception is made for consistency with ANSI's specifications for self-extinguishing lamps. The Commissioner has proposed this in an effort to avoid unnecessary conflict with the voluntary standard. But he advises that FDA has received reports of two separate incidents in which human injury resulted from UV radiation emitted through small holes in outer envelopes of high-intensity discharge lamps. Accordingly, he believes that self-extinguishing lamps must be required to extinguish when some fraction, substantially less than half, of the outer envelope is removed to adequately protect public health from these products when their mechanical integrity is violated and has so proposed in § 1040.30(d)(1)(ii). For consistency in compliance testing, a hole size corresponding to a continuous outer envelope surface area of 3 square centimeters has been chosen. The circumstances of the two incidents reported and the fact that in most cases, the arc tubes used in high-intensity discharge lamps are not completely exposed by a hole of such size provide some confidence that the hole size limitation is sufficiently small to provide health protection. At the same time, FDA tests of currently marketed self-extinguishing lamps indicate that such opening is sufficiently large to activate oxidizing shut-off mechanisms in conjunction with the other test conditions of the proposed regulation. Extension of the date for implementing § 1040.30(d)(1)(ii) 6 months beyond the date other provisions of the standard become effective will allow the manufacturers sufficient time to make necessary adjustments in their manufacturing procedures. However, he specifically invites comments on the differing criteria for breakage as well as the differing effective dates for establishing those criteria.

12. Several comments objected to the self-extinguishing lamp requirements. They contended that such design change would add cost to the consumer and would also result in added potential for premature lamp failure.

The Commissioner advises that, because FDA has adopted the two-lamp approach in this proposal, the self-extinguishing feature is no longer a requirement for all mercury vapor lamps. He believes that, for self-extinguishing lamps, the potential for premature lamp failure would be significantly reduced if the extinguishing time is permitted to be as long as 15 minutes. Although some increase in cost of manufacture may occur, such increase should be small and is justifiable for lamp applications of higher risk.

13. One comment stated that a self-extinguishing lamp can create a more serious hazard than the one it seeks to avoid because the arc tube of such lamp can remain electrically hot although it is no longer lighted. The comment stated that a lighted arc tube would warn against direct contact.

The Commissioner considers the elimination of the unnecessary harmful UV radiation to protect the unaware public to be very important. Further, the electrical shock hazard that might be posed by an extinguished arc tube should be the same for self-extinguishing lamps and lamps that are not self-extinguishing. He therefore rejects the comment.

14. Some comments suggested that a special lamp with a keyed or special base be developed for indoor applica-

tions so that all new fixtures for indoor or similar applications would use a special socket, and the interchangeability of one type of lamp for another could be prevented by providing an adaptor for existing fixtures.

The Commissioner recognizes the merit of a special base for certain types of application, but believes that the two-lamp approach in this proposed regulation makes this suggestion unnecessary. Because of the nature of usage of these lamps and the risk of management liability if installations do not employ safe lighting, the Commissioner has tentatively concluded that the suggested special base requirement is not needed. He does, however, welcome comments on this point.

Proposed § 1040.30(d)(2) would require the self-extinguishing type of lamp to be labeled with the letter "T" both on the base and the outer envelope of the lamp. Proposed § 1040.30(d)(3) would specify the labeling requirement on lamp packaging, including the display of the letter "T," and a statement regarding the self-extinguishing feature of the lamp and the risk of injury from operation of a damaged lamp.

Requirements for Non-Self-Extinguishing Lamps

Proposed § 1040.30(e) would require manufacturers of non-self-extinguishing mercury vapor lamps to provide identification labeling on both the lamp and lamp packaging. In addition, warnings concerning the risk of acute skin and eye injury and long-term effects such as cancer from exposure to UV radiation emitted by damaged lamps would be required on lamp packaging and in all advertising materials for such lamps. Included in the warning statement is a recommendation not to use these lamps in applications where excessive human exposure is likely to occur.

The term "excessive human exposure" is difficult to define quantitatively because injury potential depends upon a number of factors including the shielding of the lamp, the wattage and mounting height of the lamp, the duration of exposure to the radiation, and the skin sensitivity of the exposed individual. However, reports of injury received by the Bureau indicate that the use of this type of lamp in areas not routinely occupied by people, such as most street lighting and outdoor area lighting, does not result in excessive human exposure.

15. Comments were received supporting the general concept of proper warning for the use of these lamps. Some comments suggested specific wording to be used for the label. One suggested that the sale of these lamps be restricted to utilities only. Another suggested that the lamp base be color-coded. Still another recommended that, for industrial applications, such lamps be tested and labeled with a minimum installation distance from potentially exposed employees.

The Commissioner has carefully considered these comments in the preparation of the proposed regulation. Suggestions that have not been accepted are believed to be either impractical or unnecessary as mandatory requirements. However, the proposal does not preclude the manufacturers from providing, in addition to that prescribed in the regulation, any other information that is helpful for the safe use of the product.

Test Conditions

Proposed § 1040.30(f) would prescribe the conditions of testing for compliance with the standard. The prescribed conditions are the direct result of modification of the test conditions as proposed in the agency's previously published radiation safety criteria for mercury vapor lamps based on comments received, the ANSI standard for such lamps, and other public health considerations.

Background information on the proposed standard is on file with the Hearing Clerk, Food and Drug Administration. Included is a documentation report that provides a summary of the rationale for the technical requirements of the proposal. In addition, a copy of each of the references cited in the report is on file.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Public Health Service Act of 1968, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263(f)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Part 1040 by adding new § 1040.30, to read as follows:

§ 1040.30 High-intensity mercury vapor discharge lamps.

(a) *Applicability.* The provisions of this section apply to any high-intensity mercury vapor discharge lamp that is designed, intended, or promoted for illumination purposes and is manufactured or assembled on or after (6 months after the date of publication of the final rule in the Federal Register), except as described in paragraph (d)(1)(ii) of this section.

(b) *Definitions.* (1) "High-intensity mercury vapor discharge lamp" means any lamp including any "mercury vapor," "metal halide," and "self-ballasted" lamp incorporating a high-pressure arc discharge tube with a fill consisting primarily of mercury that is contained within an outer envelope.

(2) "Advertisement" means any catalog, specification sheet, price list, and any other descriptive or commercial brochure and literature, including videotape and film, pertaining to high-intensity mercury vapor discharge lamps.

(3) "Packaging" means any lamp carton, outer wrapping, or other means of containment intended for the storage, shipment, or display of high-intensity mercury vapor lamps and is intended to identify the contents or recommend its use.

(4) "Outer envelope" means the lamp element, usually glass, surrounding a high-pressure arc discharge tube that attenuates the emission of shortwave ultraviolet radiation when intact.

(5) "Shortwave ultraviolet radiation" means ultraviolet radiation with wavelengths shorter than 320 nanometers.

(6) "Cumulative operating time" means the sum of the times during which electric current passes through the high-pressure arc discharge.

(7) "Self-extinguishing lamp" means a high-intensity mercury vapor discharge lamp that is intended to comply with the requirements of paragraph (d)(1) of this section as applicable.

(c) *General requirements for all lamps.* (1) Each high-intensity mercury vapor discharge lamp shall:

(i) Meet the requirements of either paragraph (d) or paragraph (e) of this section, and

(ii) Be permanently labeled or marked in such a manner that the name of the manufacturer and the month and year of manufacture of the lamp can be determined on an intact lamp and after the outer envelope is broken or removed. The name of the manufacturer and month and year of manufacture may be expressed in code or symbols, provided the manufacturer has previously supplied the Director, Bureau of Radiological Health, with the key to such code or symbols and the location of the coded information or symbols on the lamp.

(2) In lieu of permanently affixing or inscribing tags or labels on the product as required by §§ 1010.2(b) and 1010.3(a) of this chapter, the manufacturer of any high-intensity mercury vapor discharge lamp may permanently affix or inscribe such required tags or labels on the lamp packaging uniquely associated with the applicable lamp(s).

(d) *Requirements for self-extinguishing lamps*—(1) *Maximum cumulative operating time.* Each self-extinguishing lamp shall cease operation within

a cumulative operating time not to exceed 15 minutes following:

(i) Complete breakage or removal of the outer envelope (with the exception of fragments extending 50 millimeters or less from the base shell), and

(ii) On or after (1 year after the date of publication of the final rule in the FEDERAL REGISTER), breakage or removal of any portion of the outer envelope having a surface area not smaller than 3 contiguous square centimeters.

(2) *Lamp labeling.* Each self-extinguishing lamp shall be clearly marked with the letter "T" on the outer envelope, and on the base of the lamp.

(3) *Lamp packaging.* Lamp packaging for each self-extinguishing lamp shall clearly and prominently display:

(i) The letter "T," and

(ii) The words "This lamp is designed to extinguish within 15 minutes after the outer envelope is broken. To avoid possible injury, DO NOT OPERATE LAMP IF DAMAGED."

(e) *Requirements for lamps that are not self-extinguishing Lamps*—(1) *Lamp labeling.* Any high-intensity mercury vapor discharge lamp that does not comply with paragraph (d)(1) of this section shall be clearly and legibly marked with the letter "R" on the outer envelope, and on the base of the lamp.

(2) *Lamp packaging.* Lamp packaging for each high-intensity mercury vapor discharge lamp that does not comply with paragraph (d)(1) of this section shall clearly and prominently display:

(i) The letter "R," and

(ii) The words "WARNING: Do not use in applications where excessive human exposure is likely to occur. Damaged lamps of this type, if operated, can emit dangerous ultraviolet radiation that may result in acute skin and eye injury and long-term effects such as cancer."

(3) *Lamp advertisement.* Advertising for any high-intensity mercury vapor discharge lamp that does not comply with paragraph (d)(1) of this section shall prominently display the following wording, "WARNING: Do not use in applications where excessive human exposure is likely to occur. Damaged lamps of this type, if operated, can emit dangerous ultraviolet radiation that may result in acute skin and eye injury and long-term effects such as cancer."

(f) *Test conditions.* Any high-intensity mercury vapor discharge lamp under test for compliance with the requirements set forth in paragraph (d)(1) of this section shall be started and operated under the following conditions as applicable:

(1) Lamp voltage, current, and orientation shall be those indicated or recommended by the manufacturer for operation of the undamaged lamp.

(2) The lamp shall be started and operated on a reference ballast.

(3) The lamp shall be started in air that has a temperature of 25°±5° C. Heating and movement of the air surrounding the lamp shall be that produced by the lamp and ballast alone.

(4) If any test is performed in an enclosure, the enclosure shall be not less than 0.227 cubic meter (8 cubic feet).

(5) Any lamp designed to be operated only in a specific fixture or luminaire that the lamp manufacturer supplies or specifies shall be tested in that fixture or luminaire. Any other lamp shall be tested with no reflector or other surrounding material.

Interested persons may, on or before May 22, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 14, 1978.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc. 78-10792 Filed 4-20-78; 8:45 am]

[6820-32]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

[22 CFR Part 603]

PRIVACY ACT POLICY AND PROCEDURES

Proposed Rulemaking

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Proposed rule.

SUMMARY: The U.S. Arms Control and Disarmament Agency proposes to amend its Privacy Act policy and procedures regulations. The Agency is beginning a fellowship grant program to individuals for the study of arms control subjects. The purpose of this proposed amendment is to exempt from disclosure in accordance with the requirements of the Privacy Act a certain part of the system of records that must be established to administer the program.

DATES: Comments due: on or before May 22, 1978.

ADDRESS: Send comments to: The Office of the General Counsel, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles R. Oleszycki, Office of the General Counsel, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, 202-632-0760.

SUPPLEMENTARY INFORMATION: A limited number of fellowships will be granted by the Agency for the study of arms control subjects. The fellowships will be granted on a competitive basis to qualified individuals who apply to the Agency for this purpose. The proposed amendment would exempt from disclosure the identity of an individual who makes a specific recommendation or a specific evaluation regarding the merits of an application. The recommendations and evaluations themselves will not be exempt, but would be provided to individual applicants requesting them with the name of the author deleted. Similarly, the identity of all the recommendors and evaluators of a particular application will not be exempt, but the identity of an individual who makes a specific recommendation or evaluation will not be disclosed.

The purpose of this document, in accordance with the requirements of the Privacy Act, 5 U.S.C. 552a(k), is to give notice that the U.S. Arms Control and Disarmament Agency proposes to amend title 22 Code of Federal Regulations Part 603. The proposed rule would amend the present regulations by: (1) redesignating the present paragraph (b) of § 603.8 as (c), and (2) adding a new paragraph (b) to § 603.8.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments, in duplicate, to the Office of the General Counsel, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451. No public hearing will be held. All written communications received on or before May 21, 1978, will be considered before action is taken on this proposal. The proposal may be changed in light of the comments received.

Copies of all written comments received will be available for examination during normal business hours in the Agency's Library, located in Room 804, State Annex 6, 1700 North Lynn Street, Rosslyn, Va.

In consideration of the foregoing, it is proposed to amend 22 CFR Part 603 as follows:

1. The present paragraph (b) of § 603.8 is hereby redesignated as paragraph (c).

2. A new paragraph (b) is hereby added to § 603.8 to read as follows;

§ 603.8 Exemptions.

* * * * *

(b) As authorized by the Act, the following categories of records are hereby exempted from the requirements of Section (d)(1) of 5 U.S.C. 552a, and will not be disclosed to the individuals to which they pertain:

(1) System of Records ACDA-15—Fellowship Grants Records. This system contains information on applicants for and recipients of the Agency's fellowship grants. The only information which will not be disclosed is investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information, which is exempt from disclosure by the Act (5 U.S.C. 552a(k) (5), but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence.

* * * * *

Dated: April 14, 1978.

JAMES T. HACKETT,
Administrative Director.

[FR Doc. 78-10936 Filed 4-20-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Adminstration

[29 CFR Part 1952]

SOUTH CAROLINA

Request for Comments

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

SUMMARY: This notice request public comment on whether the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) should accept or deny, in whole or in part, a petition by the American Federation of Labor-Congress of Industrial Organizations (herinafter called the AFL-CIO) to withdraw approval of the South Carolina State Plan for the development and enforcement of State occupational safety and health standards. The notice also provides an additional time period for public comment on the petition filed by the Carolina Brown Lung Association (43 FR 4072). This additional time period was requested by the South Carolina General Assembly's Textile Studies Subcommittee.

DATES: Comments and requests for hearing should be submitted by May 22, 1978.

ADDRESS: Written comments and requests for an informal hearing should be submitted to the Director, Federal Compliance and State Program, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FUTHER INFORMATION CONTACT:

Veronica Allen, Project Officer, Office of State Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8031.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 6, 1978, Assistant Secretary received a petition from the AFL-CIO, regarding the South Carolina State Plan for Occupational Safety and Health. The petition requests the Assistant Secretary, pursuant to 29 CFR 1955, to withdraw approval of the South Carolina State Plan. The petition specifies several reasons for withdrawal of approval, which are discussed below.

The South Carolina State plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651) (hereinafter called the Act), as a developmental plan on November 30, 1972 (37 FR 25933), and was certified under 29 CFR 1902.34 to have complied with all development steps on August 3, 1976 (41 FR 32424). It is described at 29 CFR Part 1952 Subpart C.

DESCRIPTION

The petition alleges three general areas where the South Carolina Plan is deficient.

(1) The petition alleges that the State has failed to meet the developmental steps under its plan in that the State's legislation does not adequately provide for: promulgation of emergency temporary standards, procedures for the promulgation of rules and regulations, employee notice of variance applications, employee and employer notice of their rights to contest citations and penalties, notification of the denial of a request for a special inspection, consideration of relevant factors in penalty computations, *de minimis* violations, notice of employee rights to request an inspection and notify an inspector of possible violations, time limits for notification to a complainant of the determination of a discrimination complaint, and employee obligations and duties.

(2) The petition also alleges that the Quarterly Reports of State operations demonstrate that the program has failed to provide for effective enforcement. The petition alleges that the reports demonstrate: A high rate of missed violations, inadequate inspection of health hazards, incorrect health sampling techniques, improper classification of violations, improper scheduling of inspections, lengthy delay in the scheduling of hearings, failure to schedule hearings on contested citations for violation of the cotton dust standard, failure to conduct inspections of establishments where employees are exposed to cotton dust, unwarranted reduction of penalties by hearing examiners, inadequate training, inadequate inspection of migrant labor camps, improper procedures for citation of equipment temporarily out of use, inadequate procedure for the handling of informal complaints, improper handling of petitions for modification of abatement dates, inadequate enforcement action with regard to noise violations, and the lack of separation between enforcement and consultation.

(3) The petition also alleges deficiencies in the State's regulations in the areas of: review of decisions not to issue a citation, notification to employees of petitions for modifications of abatement dates, the department's authority to modify citations, grounds for employee complaints, advance notice of inspections, posting of citations, issuance of citations, protection of trade secrets, and employee obligations.

COMMENT REQUESTED

Comment is requested on any or all of the allegations in the petition both as to their validity and whether, if valid, they are cause for withdrawal under section 18 of the Act as provided in 29 CFR 1955.3.

EXTENSION OF TIME TO COMMENT

In response to a request from the South Carolina General Assembly's Textile Studies Subcommittee, comments may also be submitted on the petition received from the Carolina Brown Lung Association, which was originally published for public comment on January 31, 1978, (43 FR 4027).

AVAILABILITY OF THE PETITION AND PUBLIC SUBMISSIONS FOR INSPECTION AND COPYING

A copy of both petitions and all public comments and requests may be inspected and copied during normal business hours at the Office of the Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue NW., Washington, D.C. 20210; at the Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street NW., Atlanta, Ga. 30309; and the Office of the Area Director, Occupational Safety and Health Administration, 2711 Middleburg Drive, Suite 102, Kittrell Center, Columbia, S.C. 29205.

If it is determined that substantial objections have been filed, which warrant public discussion an informal hearing on the petition may be held. All relevant comments, arguments and requests submitted in accordance with this notice will be considered and a decision to grant or deny the petitions will thereafter be issued.

Signed at Washington, D.C. this 14th day of April 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-10913 Filed 4-20-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 885-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the Illinois State Implementation Plan

AGENCY: Proposed rule.

SUMMARY: These proposed rules are revisions to the Illinois State Implementation Plan (SIP) submitted by the Illinois Environmental Protection Agency (IEPA), under section 110 of the Clean Air Act. These revisions pertain to emission limitations for particulate matter from grain handling and grain drying operations. The objectives of these regulations are to maintain satisfactory air quality and eliminate nuisances caused by particulate emissions from such operations.

DATE: Comments must be received on or before May 22, 1978.

ADDRESSES: Address comments to: George R. Alexander, Jr., Regional Administrator, Attention: Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.

Copies of the proposal are available for public inspection during normal business hours at the above address and at: U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M. Street SW., Washington, D.C. 20460; Illinois Pollution Control Board, Suite 300, 309 West Washington Street, Chicago, Ill., 60606; or Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Ill. 62706.

FOR FURTHER INFORMATION CONTACT:

Daniel R. Adams, Illinois State Specialist, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2205.

SUPPLEMENTARY INFORMATION: The Illinois SIP does not currently contain a specific regulation for controlling particulate emissions generated from grain handling and drying operations. However, the Illinois SIP does control particulate emissions from grain handling and drying operations through a general process weight emission standard which the IEPA has found to be inadequate in controlling emissions from this category of sources. This revision to the Illinois SIP is a supplement to Rule 203 of the Illinois Air Pollution Control Regulations. It provides for control strategies on grain handling operations depending on the grain throughput capacity of the operation.

On November 6, 1972, the IEPA proposed amendments (R72-18) to Chapter 2 of the Air Pollution Regulations for the purpose of altering particulate regulations and operating permit requirements for grain handling and drying operations. The Illinois Pollution control Board (IPCB) held three public hearings on the IEPA proposal: On March 14, 1973, in Urbana; April 23, 1973, in Peoria; and May 16, 1973, in Galesburg. As a result of these hearings, a joint IEPA-Industry Task Force was organized to develop revisions to the proposed regulations.

On April 22, 1974, the IEPA submitted the proposed amendments to the IPCB. Public hearings on these proposals were held: On June 18, 1974, Mount Vernon; June 24, 1974, Decatur; July 9, 1974, Galesburg; July 17, 1974, LaSalle-Peru; and August 5, 1974, Chicago. Relevant testimony and documents submitted during the 1973 public hearings for Regulation R72-18 were included as a part of this proceeding.

On June 13, 1975, the IPCB adopted Air Pollution Regulation R72-18. Under this amendment to the Illinois Air Pollution Control Regulations, grain handling and drying operations are exempt from Rules 203(a), 203(b), 203(c), and 203(f)(2), which include process weight standards and fugitive dust regulations, unless a facility is required to comply with these rules in accordance with provisions in Rule 203(d)(9)(K). The amendment also establishes a permit system under which existing grain handling operations with an annual grain throughput of 300,000 bushels or more, and existing grain drying operations with a total grain drying capacity in excess of 750 bushels per hour for 5 percent moisture extraction, shall apply for an operating permit by December 31, 1975. All grain handling and drying operations, regardless of size, must implement and use specific housekeeping practices. With regard to grain handling facilities having a grain throughput exceeding two million bushels per year and located within designated major population areas, air pollutants collected must be ducted through air pollution control equipment which has a removal efficiency of 98 percent by weight prior to release into the atmosphere.

On June 30, 1975, the IPCB promulgated the air pollution regulations for grain handling and drying operations. This regulatory change was submitted to the U.S. EPA as a proposed revision to the Illinois SIP on November 29, 1977.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) of the Clean Air Act and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is proposed to be amended as follows:

1. Section 52.720 is amended by adding new paragraph (c)(12) as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(12) On November 29, 1977, the Illinois Environmental Protection Agency submitted grain handling and drying emission limitations as revisions to Rule 203.

Dated: April 7, 1978.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator.

[FR Doc. 78-10778 Filed 4-20-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-19 (Sub-No. 16(a)]

[49 CFR Parts 1056, 1322]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Use of Credit Card Systems

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission proposes to modify its regulations governing the participation of motor common carriers of household goods in credit card systems. The proposed modifications are intended to facilitate implementation of credit card plans pursuant to which shippers of household goods could use duly issued credit cards to pay for interstate transportation services.

DATES: Comments must be filed with the Commission on or before June 5, 1978.

ADDRESSES: An original and 11 copies (when possible) of each submission should be forwarded to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, 202-275-7292.

SUPPLEMENTARY INFORMATION: Allied Van Lines, Inc., recently sought the Interstate Commerce Commission's approval of two plans under which it proposed to extend to shippers of household goods the opportunity to use credit cards to pay for interstate transportation charges. The Commission was constrained to disapprove the proffered plans because they (1) were not equally available to all motor common carriers of household goods, (2) contained provisions permitting charge-backs against Allied's account in specified instances, and (3) were to be operated under an arrangement whereby Allied would pay the participating financial institution a percentage service fee.

The plans submitted for approval were two of the most widely used credit card systems in this country—VISA and Master Charge. The conflict between the Commission's credit card regulations and the customary provisions of these prominent plans caused concern about the efficacy of the current regulation.

The regulations governing the participation of motor common carriers of household goods in credit card systems (49 CFR 1056.25) were promulgated in Ex Parte No. MC-19 (Sub-No. 16), Practices of Motor Common Carriers of Household Goods (Use of Credit Card Systems), 118 M.C.C. 746 (1973). Section 1056.25(a) now requires a carrier to obtain the Commission's approval of credit card plans by submitting copies of its agreements with each financial institution participating in the plan. A plan will not be approved unless it is equally available to all certificated motor common carriers of household goods. In the Sub-16 proceeding, the Commission discussed other considerations which would bear on its decision to approve or disapprove a particular credit card plan. The Commission specifically interdicted charge-back provisions and percentage service changes. The former were denounced because they would give rise to a potential for contravention of the Commission's general credit regulations, particularly 49 CFR 1322.1 which limits the length of time for which carriers of household goods may extend credit to shippers of the same. The latter, it was feared, would permit participating financial institutions to exercise discriminatory preferences amongst household goods carriers. It was also thought that percentage services charges could constitute rebates.

The Commission has received applications for credit card plan participation from only three carriers, Bekins Van Lines Company, North American Van Lines, Inc., and Allied Van Lines, Inc. (two plans). After brief attempts at implementation the first two plans were aborted. As was noted, the last were disapproved.

The disapproval of Allied's plans revealed that the present regulatory scheme does not accommodate credit card systems commonly used in this country. The amendments proposed in this proceeding are based on a reappraisal of the practices of the banking community, a reassessment of the extent to which the Interstate Commerce Act and the Commission's regulations can accommodate certain of those practices, and a recognition of the role credits cards play in our economy.

The Interstate Commerce Commission proposes to amend Parts 1056 and 1322 of Title 49 of the Code of Federal Regulations by (1) deleting the present § 1056.25 and by substituting for that section the regulations set forth in the appendix to this notice, and (2) adding § 1322.6 as set forth in the appendix.

The proposed regulations would modify the existing regulations at 49 CFR 1056.25 and 49 CFR Part 1322 and relax the restrictions in Ex Parte No. MC-19 (Sub-No. 16) in the following manner. Proposed § 1056.25(a) would provide easier access to credit card plans. The present regulation requires only that plans be equally available to carriers desiring to participate. However, it has been interpreted to prohibit plans not offered to all carriers by a specific financial institution. This interpretation ignores the fact that banks offering plans are mere frandhisees of entities which control the credit card system. It also places an individual bank in a position where it is obligated to do business with customers it would ordinarily, as a matter of sound business practice, turn away. Finally, so restrictive an approach disregards the fungible nature of major credit card systems.

Proposed § 1056.25(b) is designed to permit the inclusion of charge-back provisions in credit card agreements. Since the promulgation of the present regulations, Congress has enacted into law the Truth-in-Lending Act of 1974 (15 U.S.C. 1601 et seq.), which, as a practical matter, requires banks to have recourse against participating merchants in certain circumstances. The Commission precluded charge-back provisions to eliminate the possibility of a carrier violating the time limits and terms for the extension of credit provided in 49 CFR Part 1322. The proposed § 1322.6 will exempt credit card shipments from the restrictions applicable to ordinary extensions of credit. In permitting this exemption we perceive no potential for unjust discrimination or undue preference or prejudice. If systems were in fact used for such purposes, the Commission would exercise its right reserved in proposed § 1056.25(e) to disapprove the carrier's further participation in the credit card plan. Charge backs should occur only in rare instances involving a carrier's negligence or dereliction of its contractual obligations with the participating financial institution.

Proposed § 1056.25(c) would permit a participating carrier to contract with a financial institution for payment of a calculated percentage of the gross credit charge. Service charges compensate banks for costs attendant to credit checks and the expenses of collection and of processing sales slips through interchange facilities. In addition, the fees reflect that the bank bears the credit risk inherent in credit card use, a risk which is proportional to the amount of the transaction. In most instances, a percentage service charge fee would not appreciably exceed the $10 flat service charge the Commission currently requires. Most financial institutions now use computers programmed to handle percentages only. Percentage service charges reasonably related to the services banks actually perform would accommodate banking practices and not appear to constitute rebates.

Proposed § 1056.25(d) would retain the reporting requirements of the present regulation for one year only. Thereafter, participating carriers would provide the information now required by the regulations on a yearly basis. The current reporting requirements, though somewhat burdensome, are necessary if the Commission is to evaluate fully carrier participation in credit card plans. After the first year, however, it is felt that the need for Commission scrutiny is outweighed by burden of frequent periodic reports.

Proposed § 1056.25(e) would explicitly reserve the Commission's right to withdraw approval of credit card plans. This section would enable the Commission to preclude individual or collective carrier participation in credit card plans in the event of abuse of such plans or the Commission's determination that continued participation would not be in the public interest.

Proposed § 1056.25(f) would provide a cross reference to the exemption found in proposed § 1322.6. The Commission wishes to stress that the proposed regulations are subject to revision in the public interest and should not be viewed as the Commission's final statement of its position.

The parties are invited to discuss any issues which the proposed regulations raise. If participants in this proceeding object to particular provisions of the proposed regulations, they are urged to state their objections with specificity, and to propose alternative solutions (including alternative draft provisions).

All written submissions will be available for public inspection during regular business hours at the office of the Interstate Commerce Commission, 12th and Constitution, NW., Washington, DC.

Copies of this notice will be served on all persons that participated in Ex Parte No. MC-19 (Sub-No. 16).

This notice of proposed rulemaking is issued under the authority of part II of the Interstate Commerce Act and the provisions of 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act).

Issued in Washington, DC, April 10, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

The Commission proposes to amend 49 CFR 1056 by deleting present § 1056.25 and by substituting for that section the following:

§ 1056.25 Credit card plans; reporting required.

(a) Each motor common carrier of household goods desiring to participate in a credit card plan must obtain prior approval for such plan from the Interstate Commerce Commission by submitting a copy of its agreement with the financial institution offering participation in the plan. Approval of such plans will be given: *Provided,* That the plan for which approval is sought or a sufficiently similar plan is equally available to any motor common carrier of household goods desiring to participate and does not contain terms or conditions contrary to paragraph (b) and (c) of this section. Approval or disapproval will be made informally by the Commission in the form of a letter. Notice of approvals will be published by the Commission in the FEDERAL REGISTER.

(b) The inclusion in a credit card agreement of provisions permitting the participating financial institution to charge-back a carrier's account shall not result in automatic disapproval of a credit card plan so long as such charge-backs are made only in circumstances where a carrier has (1) failed to exercise due diligence in extending credit or (2) breached the terms of its agreement with the financial institution in extending credit.

(c) A carrier seeking to participate in a credit card plan may contract with the participating financial institution for the payment of a percentage service charge to the financial institution: *Provided,* That the amount of such service charge is reasonably related to services performed by the financial institution in conjunction with the operation of such plan. In no event shall a carrier of household goods in its tariffs assess a shipper or any group of shippers with a charge or charges to compensate such carrier for the cost of such service charges.

(d) Each motor carrier of household goods participating in an approved credit card plan shall during the first full year of its participation in such plan file with the Commission quarterly reports showing (1) by bill of lading number and date each shipment transported for which a credit card was utilized by the shipper for the payment of all or a portion of the total charges, (2) the total charges for each such shipment, (3) the amount paid by carrier for credit checks and collection service on each shipment, (4) the points from and to which each such shipment moved, (5) the credit card system utilized (and the financial institution controlling the said system) for each such shipment, and (6) the quarterly totals for items (1), (2), and (3). Thereafter each participating carrier shall file annual reports containing the information required in items (1) through and including (5) above. Item (c) shall contain annual totals for items (1), (2), and (3).

(e) The Commission expressly reserves the right to withdraw its approval of a credit card plan and to forbid a carrier or carriers from further participation should such action prove necessary to the protection of the public interest and the national transportation policy.

(f) No practice authorized by this section shall be considered violative of any of the provisions of § 1322.1 et seq. of this chapter as provided in § 1322.6

The Commission proposes to amend 49 CFR 1322 by adding the following section:

§ 1322.6 Credit Card Plans not included.

The provisions of this section shall not apply to payments of interstate transportation charges by use of credit cards: *Provided,* That a carrier offering credit card payment services shall have obtained approval for such credit card plan as provided in § 1056.25 of this chapter.

[FR Doc. 78-10905 Filed 4-20-78; 8:45 am]

[7035-01]

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 24A)

RAIL APPELLATE PROCEDURES

Proposed Revision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rule will bring rail appellate procedures in closer accord with section 17(9) of the Interstate Commerce Act (Act). Under the modified rule, decisions of the entire Commission in the first instance will be administratively final. Reopening procedures for administratively final Commission decisions are provided. This action is taken pursuant to the Commission's own initiative.

DATE: Comments must be received on or before May 22, 1978.

ADDRESSES: Send comments to: Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693 or 7656.

SUPPLEMENTARY INFORMATION: This proceeding is being instituted on the Commission's own initiative with a view toward amending 49 CFR 1100.98. The objective is to eliminate the ambiguity surrounding the administrative finality of decisions rendered by the entire commission in the first instance and to provide for petitions to reopen administratively final Commission decisions pursuant to section 17(9)(g) of the Act.

A literal reading of section 17(9) leads to the conclusion that first decisions of the entire Commission may have been intended to be administratively final and not subject to a right of appeal. Section 17(9)(g) recognizes two types of decisions: initial decisions and first determinations of the entire Commission or a division where the requirement of an initial decision is voided. Although the Commission is specifically authorized to assign initial decisions to a(n) (1) ALJ, (2) individual Commissioner, (3) employee board, (4) division, or (5) panel of the Commission, the section omits any reference to initial decisions of the entire Commission. Thus, an ambiguity exists as to whether the Commission may continue to issue initial decisions or must now void the requirement of an initial decision in order to make a determination in the first instance. However, it would appear that this omission would not alter the Commission's authority under section 8 of the Administrative Procedure Act, 5 U.S.C. 557(b), to issue tentative or interim decisions in rulemaking or initial licensing proceedings.

Section 17(9)(b) provides that "(a)ny * * * party may file an appeal with the Commission, with respect to such ini-

tial decision or report." The only other reference to appeals is contained in section 17(9)(c). Although section 17(9)(c) is applicable "in any case where an appeal is filed under subdivision (b)," it does not provide specific guidance on decisions of the Commission in the first instance or cases where the initial decision is voided. However, if subsection (b) does bring into question the Commission's authority to make initial decisions, then subsection (c) by its own terms cannot provide an appeal. Moreover, because subsection (c) provides for a mandatory appeal and stay, it is unlikely that the subsection was intended to apply to decisions of the entire Commission in the first instance or cases of voided initial decisions. Such an application would prevent the Commission from acting with finality on its most important cases including those cases with statutory deadlines. In addition, the broader application would appear to be contrary to the intent of the first sentence of section 17(9)(d), which permits the Commission or the divisions to make their decisions, orders, or requirements effective in less than 30 days.

While an appeal as a matter of right does not apply in instances where the requirement of an initial decision is voided, section 17(9)(d) does provide a discretionary petition for administrative review and stay for the rehearing, reargument, or reconsideration of any decision, order, or requirement of a division. Under modification, the discretionary petition of section 17(9)(d) applies to instances where a division has disposed of an appeal to an initial decision as well as where the division issues the decision in the first instance after the requirement for an initial decision is voided. The petition for administrative review is necessarily limited to cases presenting issues of general transportation importance, new evidence, and changed circumstances.

The Railroad Revitalization and Regulatory Reform Act of 1976 did not provide a statutory review mechanism similar to section 17(9) (c) and (d) for decisions of the entire Commission in the first instance. However, section 17(9)(g) does empower the Commission to reopen any administratively final decision on its own initiative or on petition if rules are established. A reopening is on the basis of material error, changed circumstances, or new evidence. The modification contains provisions to permit parties to petition for reopening of decisions of the Commission in the first instance without having to request leave. Provision is also made to permit parties to request leave to file petitions to reopen any administratively final decisions of the Commission.

The 4R Act and the revisions of Rule 98 represent a significant streamlining of the administrative appeal process. In summation, the revised rules recognize the right of appeal to initial decisions pursuant to section 17(9)(c). A subsequent, but limited discretionary appeal, designated as a petition for administrative review, may be taken pursuant to section 17(9)(d). Where the requirement for an initial decision has been voided and a division decision entered, a petition for administrative review may also be taken pursuant to section 17(9)(d).

However, when the initial decision is voided and the Commission enters a decision in the first instance that is not a tentative or interim decision, the parties may only petition for a reopening of the proceeding.

It is the purpose of this notice to initiate a rulemaking proceeding, inform all parties of its scope, and invite comment upon the proposed revision: [1]

§ 1100.98 Rail appellate procedures.

(a) *General.* (1) *Any party may appeal as a matter of right from any initial decision by an administrative law judge, individual Commissioner, employee board, division or panel of the Commission, in accordance with paragraph (b) of this section.*

(2) *Any party may petition for administrative review of a decision of a division where the requirement of an initial decision has been voided, in accordance with paragraph (c) of this section.*

(3) *Any party may petition to reopen a decision of the entire Commission in the first instance including a decision where the Commission voided the requirement of an initial decision, in accordance with paragraph (d) of this section.*

(4) *Any person at any time may petition for leave to file a petition to reopen an administratively final decision, order, or requirement of the Commission, in accordance with paragraph (h) of this section.*

(b) *Appeal of initial decisions.* (1) *A party is entitled to only one appeal of an initial decision as a matter of right and without regard to the outcome of the appeal.*

(2) Appeals shall not exceed 30 pages in length, including the index of subject matter, argument, and appendices or other attachments, and replies shall be subject to the same limitation.

(3) Appeals shall detail the assailed findings, with supporting citations to the record and authorities. Appeals shall be confined to factual and legal issues which are essential to the ultimate and just determination of the proceeding and shall be based on the following grounds:

(i) That a necessary finding of fact is omitted, erroneous, or unsupported by substantial evidence of record;

(ii) That a necessary legal conclusion or finding is contrary to law, Commission precedent or policy;

(iii) That an important question of law, policy or discretion, is involved which is without governing precedent; or

(iv) That prejudicial procedural error has occurred.

(4) Appeals which are not timely filed or do not comply with the requirements in paragraphs (b) (2) and (3) of this section will be subject to rejection.

(5) The timely filing of an appeal to an initial decision shall stay the effect of the initial decision, order, or requirement pending the determination of the appeal.

(c) *Discretionary review—petitions for administrative review.* (1) *Any party may file a petition for administrative review of an appellate decision made pursuant to paragraph (b) of this section or a decision of a division in the first instance when the requirement of an initial decision was voided. Such petition will be granted only on a showing that:*

(i) The prior action involves a matter of general transportation importance;

(ii) The prior action will be affected materially because of new evidence or changed circumstances; or

(iii) That to the extent the petition requests further hearing, rehearing, reargument, or reconsideration, the petition shall state in detail the nature of the relief requested and the reasons therefor. When in a petition filed under this section, a party seeks an opportunity to introduce evidence, the evidence to be adduced must be stated briefly, such evidence must not appear to be cumulative, and explanation must be given why such evidence was not previoulsy adduced.

(2) The petition and any reply shall not exceed *20* pages in length. A separate preface and summary of argument, not exceeding 3 pages may accompany petitions and replies *and shall accompany those that exceed 10 pages in length.*

(3) The Commission, on its own motion or on petition, may stay the effect of the decision, order, or requirement pending determination of the petition for administrative review.

(d) *Petitions to reopen a decision of the Commission in the first instance.* (1) *Any party may file a petition to reopen a decision of the entire Commission in the first instance. Petitions to reopen shall state in detail the respects in which the proceeding involves material error, new evidence, or substantially changed circumstances, and shall include a request that the Commission make such a determination.*

(2) To the extent a petition requests further hearing, rehearing, reargument, or reconsideration, the petition

[1] New and revised language is italic.

shall state in detail the nature of the relief requested and the reasons therefor. When in a petition filed under this section opportunity is sought to introduce evidence, the evidence to be adduced must be stated briefly, such evidence must not appear to be cumulative, and explanation must be given why such evidence was not previously adduced.

(3) A petition and any reply shall not exceed *20* pages in length. A separate preface and summary of argument, not exceeding 3 pages may accompany the petition and any reply *and shall accompany those that exceed 10 pages in length.*

(4) The filing of a petition shall not stay the effect of the prior decision, order, or requirement except that the Commission may, on its own motion or on petition, stay the effect of its own decision, order, or requirement in the first instance. *In these circumstances, a petition to reopen which contains a request for stay must be filed at least 5 working days before the decision is to become effective.*

(e) *Time for filing appeals, petitions for administrative review, and petitions to reopen decisions of the entire Commission in the first instance.* Appeals and petitions for adminsitrative review or reopening pursuant to paragraphs (b), (c), and (d) of this section must be filed within 20 days after the service of the decision being reviewed, or within such further period (not to exceed 20 days) as a division or the Commission may authorize. In the event the appeal or petition is not timely filed or the Commission does not stay the effectiveness on its own motion, the order set forth in such decision shall become the order of the Commission at the expiration of the time for filing.

(f) *Effectiveness.* Any decision, order, or requirement of a division or the Commission which is not stayed shall become effective 30 days after it is served, unless the Commission provides for such decision, order, or requirement to become effective at an earlier date.

(g) *Petition for stay.* A party may petition for stay of a decision, order, or requirement pending a request for judicial review, for extension of the compliance date, for modification of the effective date or for similar procedural relief, stating the reasons therefor. *Such a petition shall be filed no less than eight working days in advance of the effective or compliance date. No reply need be filed. However, if a party elects to file a reply it must reach the Commission no later than four working days in advance of the effective or compliance date.*

(h) *Petitions to reopen adminstratively final decisions. Any person at any time may petition for leave to file a petition to reopen an adminstratively final decision, order, or requirement of the Commission pursuant to the requirements of paragraph (d) (2) and (3) of the section. A petition for leave to file shall state in detail the respects in which the proceeding involves material error, new evidence, or substantially changed circumstances and shall include a request that the Commission make such a determination.*

The rulemaking proposal under consideration in this proceeding does not appear to constitute a major Federal action requiring preparation of an environmental impact statement under the procedures of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. However, comments regarding environmental issues, if any, should be included in comments filed in response to this notice.

It is ordered: (1) This proceeding is instituted to bring rail appellate procedures in closer accord with section 17(9) of the Interstate Commerce Act.

(2) All carriers by rail are made respondents to this proceeding.

(3) Respondents and any persons interested in participating in this proceeding will file an original and 15 copies, if possible, of their comments on the proposed revision at the place and date noted above. Responsive pleading is unnecessary and will be omitted in order to avoid the delay and expense associated with cross-service of pleadings. One set of comments will be made available in the Secretary's Office for public inspection during the regular business hours of the Commission.

This notice of proposed rulemaking is promulgated pursuant to authority under 49 U.S.C. 17(3) and 5 U.S.C. 553 and 559.

Decided: April 6, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10906 Filed 4-20-78; 8:45 am]

[7035-01]

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 26)]

PROTEST STANDARDS IN MOTOR CARRIER APPLICATION PROCEEDINGS

Proposed Rules

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rules.

SUMMARY: The Interstate Commerce Commission's present procedures governing motor carrier application proceedings permit virtually unrestricted participation as parties by carriers wishing to oppose an application. Under the proposed rules, this automatic right to appear in opposition would still be conferred upon carriers able to document their interest in the proceeding by showing that they are authorized and able to provide some portion of the service proposed and that they have either performed service or solicited business within the scope of the application. The proposed rules would also establish a procedure by which those not automatically entitled to become parties could obtain leave to intervene.

COMMENTS DATE: Written responses and any accompanying data should be filed with the Commission on of before May 29, 1978.

ADDRESSES: Send written responses to: Office of Proceedings, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, telephone 202-275-7292.

SUPPLEMENTARY INFORMATION:

BACKGROUND AND PROCEDURAL MATTERS

On July 6, 1977, an Interstate Commerce Commission staff task force submitted a report containing a number of recommendations for improving the Commission's regulation of motor carrier licensing. This proceeding stems from task force Recommendation No. 2 entitled "Protest Standards." This recommendation, which proposed severe limitations on the automatic right of a carrier to appear in opposition to another carrier's application, drew more comment than any other single task force recommendation. During a series of nationwide informal hearings conducted by the Commission in the autumn of 1977, a large number of witnesses addressed Recommendation No. 2.

For the most part, well established carriers, carrier associations, associations of carrier representatives, and labor unions expressed satisfaction with the current protest procedures and urged that if there were any abuses of those procedures, such as the filing of frivolous protest, they could be remedied without major change in the present practice. Many smaller carriers, prospective entrants into the regulated motor carrier field, minority interests, shippers, and shipper organizations supported Recommendation No. 2.

In our advance notice of proposed rulemaking, 42 FR 59885, we stated that we intended to institute this proceeding and we requested the comments and recommendations of interested persons as to how regulations governing the filing of protests should be framed and what kinds of limitations they should contain. More than 100 individuals and organizations, representing a broad spectrum of interest, responded to the advance notice.

Their comments generally reflected the diversity of opinion expressed during the informal hearings. A list of all individuals and organizations participating in this proceeding will be made available upon request.

Task force Recommendation No. 2 and the advance notice were phrased in such a way as to lead many commentators to assume that the Commission was proposing to adopt rules which would automatically exclude from participation in a motor carrier application proceeding any carrier which could not demonstrate that it had actually transported traffic within the scope of the application during some fixed period immediately prior to its filing. Many of the comments received were directed to the possibility that we might ultimately adopt procedures which would constitute an absolute bar to the participation of carriers not meeting certain fixed standards. The rules which we are proposing here do not adopt this approach, and for the most part the comments directed to this issue are not discussed further in this notice.

Under the rules being proposed, no carrier would automatically be excluded from participation in a licensing case. Instead, procedures are proposed which would permit the automatic intervention of those carriers which can document a bona fide interest in the application. Briefly, such carriers would have to show that they hold operating authority duplicating in part that which the applicant seeks, and that they have equipment and facilities sufficient to perform the service involved. They would also have to show either that they had performed service within the scope of the application or that they had solicited business controlled by those supporting the application and which would have involved transportation performed within the scope of the application. The proposed rules then go on to provide that any carrier, or in fact any person, not eligible to intervene automatically may seek leave to intervene. The rules establish criteria which the Commission would use in determining whether intervention with leave should be allowed in a particular application proceeding.

Parties have asked that we discontinue this proceeding or, in the alternative, hold an oral hearing. These requests will not be granted at this time. Additional information needs to be developed in this proceeding, and the interim nature of this notice will permit the accumulation of more data. Interested persons have already had an opportunity to present their views both orally and in writing on each of the task force's recommendations, including Recommendation No. 2.

Principal Arguments of the Parties

It has been argued by many participants that any rules restricting the ability of carriers to participate as parties to motor carrier application proceedings—presumably including rules which would require the filing of a petition for leave to intervene and a showing of interest in the outcome of the proceeding—would be unlawful. This argument is predicated essentially upon provisions of the Interstate Commerce Act[1] and the Administrative Procedure Act,[2] under which interested parties must be afforded an opportunity to participate in motor carrier licensing proceedings, and upon decisions of the Commission[3] and the courts[4] defining the degree of interest necessary to obtain standing as a party in such proceedings. These authorities, it is contended, collectively confer rights which the Commission has no power to abridge.[5]

Nowhere in the Interstate Commerce Act is the term "interested party" defined. Although the Administrative Procedure Act defines a "party" to include "a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes;"[6] this definition does not specify the interest necessary to attain party status. To determine, therefore, who would be an interested party with respected to a particular Commission proceeding, recourse must be had to the operative statutory provisions themselves and to the objectives sought to be achieved through the legislation.[7]

Provisions governing the licensing of motor common and motor contract carrier give no hint of the interest necessary to have standing in a motor carrier applicant proceeding. On the contrary, sections 206(b) and 209(b) of the Act would appear to vest the Commission with discretion to determine the degree of interest necessary to become a party.[8] In any event, where the operative statutes do not delineate who must be allowed to participate, the agency may impose reasonable conditions upon intervention.[9]

Some parties point out that applicable provisions of the Interstate Commerce Act, as interpreted by the Commission, require generally that consideration be given in motor carrier licensing proceedings to the capabilities of the existing carriers and to the effects which a grant of new operating authority would have upon them. From this, they argue that the Commission cannot give adequate consideration to these issues unless all carriers operating in the territory sought to be served by an applicant are allowed to participate in a proceeding. We do not agree, for we believe that a fully adequate picture of the pertinent aspects both of the transportation industry structure and of the transportation needs involved can be obtained through the participation in licensing proceedings of those having a clear interest in the outcome of those proceedings. The proposed rules are designed to permit participation of such interests, but at the same time to allow the Commission to exclude from participation those who cannot show either that they have an interest warranting protection or that they would make a positive contribution to the decisional process.

Trade associations and other nonmotor carrier interests fear that restrictive protest standards could preclude them from effectively participating in motor carrier licensing proceedings. The rules which we are proposing would not preclude the participation of non-carriers in motor carrier application cases. They do, however, establish a more clearly defined procedure by which parties such as these may seek intervention.

Discussion of the Rules Proposed

The Commission traditionally has admitted as a party to its adjudicative proceedings any carrier or other person claiming (but not necessarily showing) even a minimal interest in the outcome. While this practice may have been useful and necessary in the past, it now has the potential to impede decisionmaking[10] and certainly is not in the mainstream of administrative process. The participation of parties with no real interest in a pro-

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[1] 49 U.S.C. 305(e).

[2] 5 U.S.C. 554(c).

[3] See, e.g., "Maher Common Carrier Application," 3 M.C.C. 479, 480 (1937); and "Winton Contract Carrier Application," 17 M.C.C. 451, 452 (1939).

[4] See, e.g., *Alton R. Co.* v. *United States*, 313 U.S. 15, 19-20 (1942); and *American Trucking Ass'ns.* v. *United States*, 364 U.S. 1, 17-18 (1960).

[5] See, e.g., *Mississippi Valley Barge Line Co.* v. *United States*, 56 F. Supp. 1, 3 (W.D. Pa. 1944).

[6] 5 U.S.C. 551 (3).

[7] See, e.g., *Martin-Trigona* v. *Federal Reserve Board*, 509 F. 2d 363, 366-67 (D.C. Cir. 1975); *Nuclear Data, Inc.* v. *Atomic Energy Commission*, 344 F. Supp. 719, 725 (N.D. Ill. 1972); and *Local 282, International Bro. of Teamsters, etc.* v. *N.L.R.B.*, 339 F. 2d 795, 800-01 (2d Cir. 1964). See also Oberst, "Parties to Adminstrative Proceedings," 40 Mich. L. Rev. 378, 381 (1942).

[8] 49 U.S.C. 309(b) provides, in part, that "[a]pplications * * * shall be made to the Commission in writing, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission may, by regulations, require." See also 49 U.S.C. 306(b).

[9] *Office of Communication of the United Church of Christ* v. *F.C.C.*, 359 F. 2d 994, 1005-6 (D.C. Cir. 1966).

[10] See Shapiro, "Some Thoughts on Intervention Before Courts, Agencies, and Arbitrators," 81 Harv. L. Rev. 721, 765-66 (1968).

ceeding can only lead to added expense for the other parties and the Commission and to increasing opportunities for administrative delay. As its caseload has grown steadily, the Commission has had to look to every possible means of expediting the decisionmaking process and overcoming regulatory lag. We have concluded that the time has come to reevaluate our past liberality in granting the right to participate in the cases that come before us.

Other licensing agencies generally require persons alleging an interest in a proceeding to detail that interest in a petition for leave to intervene which, in the agencies' discretion, may be granted, granted conditionally, or denied.[11] We consider this approach well suited to our adjudications. Moreover, in view of our ever-increasing caseload and fiscal limitations, we believe that it would be appropriate to define generally, in advance of adjudications, situations in which a carrier may be found to have sufficient interest in a licensing proceeding to be permitted to vindicate its private right.

We believe that the bifurcated test announced by the Supreme Court in *Association of Data Processing Serv. Org.* v. *Camp*, 397 U.S. 150, 152-53 (1970), provides the appropriate yardstick to measure the degree of interest necessary for a carrier to be admitted automatically as a party to a motor carrier application proceeding.[12] Under this test, a carrier must demonstrate (1) that it is arguably within the zone of interests protected or regulated by the Interstate Commerce Act, and (2) that Commission action (in authorizing a proposed new service) would cause or threaten it injury in fact. With respect to the second part of this test, it is established that unadorned speculation will not satisfy the requirement that actual or threatened injury must be shown to result from Commission action.[13]

We think it clear that as a prerequisite for automatic intervention, a carrier must show that it holds authority conflicting with that sought and has the equipment and facilities necessary to perform service which the applicant could perform if the application were granted. We are persuaded, however, that something more than this is needed if a carrier is to show that it would suffer injury in fact from a grant of authority. Where the carrier has not performed any service within the scope of the application, or has not at least made an effort to obtain business which could be handled under the authority sought, we think the possibility is extremely remote that a grant of the authority requested would result in injury.The proposed rules, therefore, would permit automatic intervention only if the carrier can demonstrate that it has met these tests.

In considering what form of solicitation is adequate to justify automatic intervention, we have tentatively concluded that solicitation in person, by telephone, or by direct mail would meet the test. However, solicitation by means of advertisements in local telephone directories, trade journals, or newspapers would not be adequate to confer the automatic right to protest. Comments are requested on this issue.

The proposed rules would impose a further condition on automatic intervention. The Commission has often been faced with situations in which protests have been filed but where the likelihood is extremely remote that the protesting carrier would be affected adversely by a grant of authority. One example of this situation arises when a carrier engaged only in providing service requiring a particular type of equipment, such as tank vehicles, protests an application filed by a carrier which has no such equipment and has conducted no operations within the protestant's field of service. The last sentence of proposed rule 247(k)(2) is an attempt to deal with this practice, which we consider an abuse of the present protest procedures. Public comment is particularly requested on this aspect of the proposed rules.

Task force Recommendation No. 2 would have required participation by a protesting carrier in traffic falling within the scope of the application at some time during the two-year period immediately preceding the filing of the application. The proposed rules do not contain this requirement. They do, however, require that a protestant, in order to qualify under the automatic intervention procedures, file a verified protest and include documentation concerning not only its authority and equipment but also its past performance or solicitation of relevant traffic. It has been our experience that carriers do not retain documentation of this kind indefinitely. The result of the proposed rule, then, is very likely to be that only service or solicitation occurring within a reasonably recent period can be documented. In that sense, the proposed rule may be said to have a built-in but unexpressed time limitation.

Comments are invited on the question whehter the Commission, in any rule that it adopts in this proceeding, should specify the kinds of documentation which a protestant would be required to provide in order to qualify under the regulations permitting automatic intervention.

The rules which we are proposing provide for intervention with leave of the Commission for those who do not fall within the automatic intervention criteria. They would require that petitions for leave to intervene detail the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds for the proposed intervention, and the position of the petitioner in the proceeding. The Civil Aeronautics Board recently revised its rules governing intervention,[14] and we have used these rules as a model for the preparation of the proposed amendment to our rule 247(l). The intervention procedure would be applicable to both carriers and non-carriers, other than those who have an automatic right to intervene because they are supporting the application.

The Commission is considering including in the rules governing intervention with leave certain guidelines or standards. They would provide that a petition filed by a carrier seeking leave to intervene would be granted only in extraordinary circumstances if (1) the carrier seeks to protect its interest by the imposition of a restriction of a type not normally accepted by the Commission, as a matter of policy, or (2) the carrier's interest is limited to the transportation of overhead traffic and it has not participated in or solicited traffic controlled by those supporting the application. Public comment is expressly invited on this approach, on the validity of those two proposed standards, and on what other similar standards might appropriately be included in the rules.

Alternatives to the rules proposed in this document which have been suggested include (1) imposing a substantial filing fee upon protests, (2) requiring that applications be limited in scope (e.g., through imposition of exceptions to broad commodity descriptions or plantsite restrictions) to eliminate the interests of carriers otherwise unaffected by a proposed service, and (3) requesting Congress to increase appropriations for the Commission so that additional employees may be hired to cope with the ever-increasing workload. We believe that the approach reflected in the rules proposed here represents the most satisfactory means of effectuating the National Transportation Policy.

ADMINISTRATIVE CONSIDERATIONS

We are proposing protest standards because of the benefits they appear to

[11] See, e.g., 47 CFR 1.223 and 1.225 (FCC); 18 CFR 1.8 (FERC); 14 CFR 302.14 and 302.15 (CAB); and 10 CFR 2.714 and 2.715 (NRC).

[12] See also *Sierra Club* v. *Morton*, 405 U.S. 727, 736-40 (1972). This test has been applied judicially to administrative proceedings. See *Martin-Trigona* v. *Federal Reserve Board*, 509 F. 2d 363, 366 and n. 10 (D.C. Cir. 1975).

[13] See *Simon* v. *Eastern Ky. Welfare Rights Org.*, 426 U.S. 26, 42-45 (1976). See also *Warth* v. *Seldin*, 422 U.S. 490, 507 (1975); and *Linda R. S.* v. *Richard D.*, 410 U.S. 614, 618 (1973).

[14] See 14 CFR 302.15(h).

promise in simplifying and shortening the licensing process. We are also aware that adopting protest standards will impose new responsibilities and costs on the Commission and the public. We invite public comment on the costs and benefits of protest standards. We also invite suggestions for minimizing the costs which protest standards are likely to create.

ENVIRONMENTAL CONSIDERATIONS

We do not believe that this action significantly affects the quality of the human environment. The rules contemplated in this document, unlike prospective licensing (see e.g., *Chemical Leaman Tank Line, Inc.* v. *United States*, 368 F. Supp. 925 (D. Del. 1973)), do not purport to make general findings with respect to the need for any proposed motor carrier service. Under the rules proposed here, applicant still will be required to demonstrate that their proposed services are required by the public convenience and necessity or will be consistent with the public interest and the National Transportation Policy. Environmental policy considerations will continue to enter into each application proceeding as they have in the past.

PROPOSED RULES

It is proposed that Special Rule 247 of the Commission's rules of practice (49 CFR 1100.247) be revised by adding two new subsections as follows:

* * * * *

(k) *Intervention without leave in motor carrier application proceedings.* Intervention without leave will be allowed in motor carrier application proceedings by persons supporting the application and by a carrier that files a verified protest which contains documentation showing that the protestant—

(1)(i) Holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, and

(ii) Has the necessary equipment and facilities for performing that service; and

(2) Has either

(i) Performed service within the scope of the application or

(ii) Has solicited business which is controlled by those supporting the application and which would have involved transportation performed within the scope of the application. Where it reasonably appears from the application and the accompanying notice that the applicant is engaged in a particular field of service (such as the transportation of bulk commodities, household goods, or commodities requiring refrigerated equipment), the documentation accompanying a protest must demonstrate prior service or solicitation in the fields of service covered by the application, whether or not the application contains negative restrictions or other limitations on the service proposed.

(3) Except to the extent that they are inconsistent with the provisions of this subsection, the provisions of subparagraph (e) of this section apply to protests filed under this section.

(l) *Intervention with leave in motor carrier application proceedings.* (1) Persons not allowed to intervene in a motor carrier application proceeding under paragraph (k) of this section may file a petition for leave to intervene under this subsection within 30 days of the date of publication of the application in the FEDERAL REGISTER. A party to a proceeding may file a reply to a petition to intervene with leave within 15 days after the petition is filed.

(2) In determining whether to permit intervention with leave the Commission will consider, among other factors—

(i) The nature, if any, of the petitioner's right under a statute to be made a party.

(ii) The nature and extent of the property, financial, or other interest of the petitioner.

(iii) The effect of the decision which may be rendered upon the petitioner's interest.

(iv) The availability of other means by which the petitioner's interests might be protected.

(v) The extent to which the petitioner's interest will be represented by other parties.

(vi) The extent to which the petitioner's participation may reasonably be expected to assist in the development of a sound record.

(vii) The extent of which participation by the petitioner would broaden the issues or delay the proceeding.

(3) In granting a petition to intervene with leave, the Commission may limit the scope of the petitioner's participation in the proceeding.

It is proposed also to revise paragraph (e) of Rule 247 (49 CFR 1100.247(e)) by adding a new subparagraph (9) as follows:

* * * * *

(e) * * *

(9) In motor carrier application proceedings, the provisions of paragraph (k) of this section, to the extent they are inconsistent with this subsection, shall apply.

* * * * *

It is also proposed to add to the end of paragraph (i) of Rule 247 (49 CFR § 1100.247(i)) the words: "or paragraph (l) of this section".

If the rules proposed are adopted, the arrangement of Rule 247 may be altered.

This document is promulgated under the authority contained in 49 U.S.C. 304 and 5 U.S.C. 553, and was adopted formally at a General Session of the Interstate Commerce Commission held at its offices in Washington, D.C., on the 30th day of March 1978.

By the Commission, Commissioner Murphy Dissenting.

H. G. HOMME, Jr.,
Acting Secretary.

COMMISSIONER MURPHY, DISSENTING

The majority proposes to deny a significant and important segment of this Nation the right to participate in an application proceeding on the grounds that frivolous objections (protest) require such an action to assist the Commission in controlling its mounting caseload. I believe that the proposal is not only inappropriate and unconstitutional, but that it will be self-defeating and will also generate additional paper work in contravention of the stated goals of the proposal.

Turning first to the Constitutional issues, it must be recognized that the Commission as the alter ego of the Congress should not attempt to isolate itself from persons seeking to present their views. The guarantees of the First Amendment, i.e., the right "to petition the government for a redress of grievances", does not equate to a regulation requiring that the individual must, "hat-in-hand", beseech the subordinate agency for permission to appear in a proceeding.[1] Cf. *Eastern R. Conf.* v. *Noerr Motors*, 365 U.S. 127 (1961) as modified by *California Transport* v. *Trucking Unlimited*, 404 U.S. 508 (1972).[2] Moreover, the majority's basis for its proposed limitation on the right of participation in a Commission proceeding appears to run counter to established case law. See, for example, *United States* v. *Scrap*, 412 U.S. 669 (1973) on the issue of "standing".

Review of the Interstate Commerce Act and its history flatly contradict the grounds for the proposal to limit the right of participation by specified persons, subject to the filing of a petition and the demonstration of good cause for intervention.

Thus, unlike Section 206 of the Act which mandated a grant of a certificate to any carrier in bona fide operations on June 1, 1935, an applicant

[1] "The Constitution of the United States, Amendment I." The right to petition is used here in its most broadest sense, i.e., a virtually unlimited right.

[2] As noted in *California Transport* v. *Trucking Unlimited*, supra, at page 513: "Petitioners, of course, have the right of access to the agencies and the courts to be heard on applications sought by competitive highway carriers. That right, as indicated, is part of the right of petition protected by the First Amendment."

under Section 207 must establish that there is a present or future need for the proposed service and that applicant is fit. Moreover, it is incumbent on the shipper supporting an application to seek out and try the existing motor carrier services. As noted in "Heath Trucking, Inc., Extension—Meats," 117 M.C.C. 768, 776-777 (1973):

> Existing motor carrier service cannot be deemed to be inadequate unless shipper makes a conscientious effort to obtain equipment from all available sources and meets with little or no success.
>
> . . . . .
>
> [T]his shipper's reasonable transportation needs can best be fulfilled by a continued and more closely coordinated utilization of existing carriers.

The majority's proposed limitation on the right to protest thus would undercut and destroy the very basis for the existing superb motor common carrier system by eliminating the present policy requiring a shipper to inform itself of existing services. It would also undermine the basic principles of section 207 by diluting an applicant's burden to demonstrate a need for the proposed service.

Ironically, the proposed limitation on the right to participate is based on little more than an assumption that such limitation will ease the Commission's workload. However, there is no cost/benefit study to support that assumption and the contrary may well be true, i.e., the restriction will add to the paper work and further deplete the Commission's limited resources.

The answer to the increasing amount of paper work may well lie in other directions. For example, the Supreme Court has stated rather frankly that the choice of the remedy available to an agency may not be an automatic reliance on the grant of additional authority but "must be rational and based upon conscious choice," giving due consideration to the public interest.[3] Here, even more than in the "hot cargo" case, the Commission cannot choose a purported remedy which flies in the face of Constitutional and statutory guarantees. This is truly "an improvident exercise of its discretion."[4] In this situation, oral argument is essential.

Like the "hot cargo" situation, the rational remedy is to rely on the powers of the Commission to correct any frivolous protests. The Commission is armed with an arsenal of weapons to eradicate such filings and to deal with persons seeking to subvert its proceedings.

Thus, if there are abuses of Commission processes, then this is a time not for timidity but for boldness, a time not for recrimination but for affirmative action, and a time not for the denial of inherent rights but for a reassertion and an enhancement thereof.

To the extent that the views expressed above do not coincide with the majority's decision, I respectfully dissent therefrom.

[3] *Burlington Truck Lines* v. *U.S.*, 371 U.S. 156 (1962), the "hot cargo" case.

[4] *Burlington Truck Lines* v. *U.S.*, supra, at page 165.

ALPHABETICAL LISTING OF PERSONS AND ORGANIZATIONS WHICH HAVE SUBMITTED INITIAL COMMENTS IN THE PROCEEDING IN EX PARTE NO. 55 (SUB-NO. 26), PROTEST STANDARDS IN MOTOR CARRIER APPLICATION PROCEEDINGS

Ace Hardware
Agrico Chemical Co.
Aluminum Co. of America
American Bus Association
American Cyanamid Co.
American Trucking Associations, Inc.
Artim Transportation System, Inc.
Association of American Railroads
Auto Driveaway Co.
Bekins Moving & Storage Co.
Blue & Gray Transportation Co., Inc.
Bowman Transportation, Inc.
Bray Lines Inc.
Brown Transport Corp.
  Georgia-Florida-Alabama Transportation Co.
  Bay Transportation, Inc.
  Hiller Truck Lines, Inc.
  Osborn Transportation, Inc.
  Tompkins Motor Lines, Inc.
  Osborne Truck Lines, Inc.
  Cummings Trucking Co.
  Bee Line Express, Inc.
  North Alabama Express, Inc.
  Carolina Freight Carriers Corp.
  Johnson Motor Lines, Inc.
  McCombs Freight Lines, Inc.
  Floyd & Beasley Transfer
Ben D. Browning
Buding Trucking Co.
Can Manufacturers Institute
The Celotex Corp.
Central Freight Lines Inc. Central Express Inc.
  Red Arrow Freight Lines, Inc.
  Brown Express, Inc.
  Saia Motor Freight Line, Inc.
  Specialized Carriers Inc.
  Red Arrow Heavy Hauling, Inc.
  Dunn Bros., Inc.
  Acme Truck Line, Inc.
  H. S. Anderson Trucking Co.
  Miller Truck Line, Inc.
  Central Forwarding Inc.
  American Transfer & Storage Co.
  Joe Crocker Moving & Storage, Inc.
  Great Western Trucking Co., Inc.
  H. E. Spann & Co., Inc.
  Norman & Son, Inc.
  Haskins Trucking, Inc.
  Valley Transit Co., Inc.
Certainteed Corp.
Chemical Leaman Tank Lines, Inc.
Champion International Corp.
Churchill Truck Lines, Inc.
Coastal Tank Lines, Inc.
Common Carrier Conference—Irregular Route of American Trucking Associations, Inc.
Council on Wage and Price Stability
Curtis, Inc.
C W Transport, Inc.
Davidson System
Richard W. Day
Deere & Co.
Denning & Wohlstetter
Diamond Crystal Salt Co.
Diaz Motor Freight, Inc.
  C. I. Whitten Transfer Co.
  Jetco, Inc.
Kenneth F. Dudley
  Curtis, Inc.
E. I. du Pont de Nemours & Co.
Elliott Lumber Transport
Englemann Trucking Co., Inc.
Farmland Industries, Inc.
Farrell & Daly
Federal Trade Commission
The Fertilizer Institute
Food Marketing Institute
Frisco Transportation Co.
Garrett Freightline, Inc.
General Mills, Inc.
Grain Processing Corp.
W. L. Gregory
Greyhound Lines, Inc.
Groendyke Transport, Inc.
Heavy-Specialized Carriers Conference of American Trucking Associations, Inc.
Herman Bros. Inc.
Hilt Truck Lines, Inc.
Home Transportation, Co. Inc.
Hudson Transit Lines, Inc.
Husky Oil Co. Illinios-California Express, Inc.
Inco Express, Inc.
Indianhead Truck Line, Inc.
Intercept
International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of American
International Paper
International Transport, Inc.
  Dealers Transit, Inc.
Johnson Motor Lines, Inc.
Joint Northeastern Motor Carrier Association, Inc.
Jones Motor
Kraft, Inc.
La Porte Transit Co., Inc.
The Local and Short Haul Carriers National Conference
Local and Short Haul Carriers Northwest Conference
Dana Madsen
Matlack, Inc.
The Maxwell Co.
Allen L. Mendelsohn
Michigan & Nebraska Transit Co., Inc.
Midwest Coast Transport, Inc.
Midwest Emery Freight System, Inc.
  Belford Trucking Co., Inc.
Little Audrey's Transportation Co. Inc.
  Trans-Cold Express, Inc.
Miller Transporters, Inc.
Minority Trucking-Transportation Development Corp.
Moberly, Harrison & Gaston
Mobil Oil Corp.
Motor Carriers Lawyers Association
Motor Carriers Central Freight Ass'n
  Alvan Motor Freight, Inc.
  Associated Truck Line, Inc.
  Bender & Loudon Motor Freight, Inc.
  Bishop Motor Express, Inc.
  Blissfield Truck Lines, Inc.
  Blue Arrow-Douglas, Inc.
  Branch Motor Express Co., Manager of Great Lakes Express Co.
  Central Transport, Inc., Operator (in part) of Associated Transport, Inc.
  Clairmont Transfer Co.
  Columbian Storage & Transfer Co.
  Consolidated Freightways Corp. of Delaware
  Duff Truck Line, Inc.
  Express Freight Lines, Inc.
  Gem Cartage Co.
  Holland Motor Express, Inc.

Inter-City Trucking Services, Inc.
International Carriers, Inc.
Interstate Motor Freight System
Jones Transfer Co.
Key Line Fright, Inc.
Leelanau Motor Fright, Inc.
Long Transportation Co.
Maiers Motor Freight Co.
Great Lakes Express Co.
Mid-American Lines, Inc.
Mulvena Truck Line, Inc.
The National Transit Corp.
Ogden & Moffett Co.
Overland Western International, Inc.
Parker Motor Freight, Inc.
Rooks Motor Freight Lines, Inc.
Short Freight Lines, Inc.
Earl C. Smith, Inc.
Transamerican Fright Lines, Inc.
U.S. Truck Co. Inc.
Inited Trucking Service, Inc.
United Trucking Service
Associated Transport, Inc. and Great Lakes Express Co.
United Trucking of Kentucky, Inc.
White Star Trucking, Inc.
Morgan & Brown
Motor Transport Co.
National Automobile Transporters Association
The National Industrial Traffic League
National Tank Carrier, Inc.
National Trailer Convoy, Inc.
Pacific Intermountain Express Co.
Phillips Petroleum Co.
Pilot Trucking Service, Inc.
Pinto Trucking Service, Inc.
Roadhound Truck Co.
Direct Courier, Inc.
Bralley-Willett Tank Lines, Inc.
Atlantic Charter Bus Service, Inc.
Command Cargo Corporation
Veterans Truck Line, Inc.
G. C. Parsons Trucking Co.
Mmar Transportation, Inc.
Willis Shaw Frozen Express, Inc.
Coldway Food Express, Inc.
Potlatch Corp.
Purolator Courier Corp.
Refrigerated Transport Co. Inc.
Caudell Transport & Trading, Inc., and Coastal Transport & Trading, Inc.
Farwest Furniture & Storage Co., Inc.
Joseph Moving & Storage Co., Inc., Kansas-Arizona Motor Express, Inc., P. C. White Truck Line, Inc., and Willers, Inc.
Red Ball, Inc.
Regular Common Carrier Conference of American Trucking Associations, Inc.
Robbins & Newman
J. H. Rose Truck Line, Inc.
DSI Transports, Inc., C & H Transportation Co., Inc., C & H Freightways, and Alamo Express, Inc.
Ruan Transport Corp.
Arizona Tank Lines, Inc.
Sooner Transport Corp.
Russell Transfer, Inc.
Savannah Foods & Industries, Inc.
Schneider Transport, Inc.
Marilyn Schwam
Sea-Land Freight Service
Signal Delivery Service, Inc.
Steere Tank Lines, Ins, and Texas Continental Express, Inc.
Thompson Investments
Transport of New Jersey
Union Carbide Corp.
United States Department of Justice
United States Department of Transportation
United States Gypsum
United Transports, Inc.
Margaret H. Waugh
West Coast Truck Lines, Inc.
Woodland Truck Line, Inc.
Wycoff Co., Inc.
Zero Refrigated Lines.

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[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

GULF OF ALASKA TRAWL FISHERY AND THE SABLEFISH (BLACKCOD) FISHERY

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed amendments to regulations.

SUMMARY: This document sets forth proposed amendments to the foreign fishing regulations currently in effect for the Gulf of Alaska trawl fishery and the sablefish (blackcod) fishery. The amendments implement a fishery management plan for the Gulf of Alaska groundfish fishery adopted by the North Pacific Fishery Management Council, and approved by the Secretary of Commerce on February 24, 1978, under the Fishery Conservation and Management Act of 1976.

DATE: Comments will be received until June 6, 1978.

ADDRESS: Comments should be addressed to: Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Harry Reitze, Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802, 907-586-7221.

SUPPLEMENTARY INFORMATION: *Background.* The Fishery Conservation and Management Act of 1976, Pub. L. 94-265, 16 U.S.C. 1801 et seq. (the "Act"), authorizes the Secretary of Commerce (the "Secretary"), to promulgate regulations implementing fishery management plans prepared by the Regional Fishery Management Councils for their areas of concern within the 3-200 mile fishery conservation zone established by the Act.

Pursuant to Title III of the Act, the North Pacific Fishery Management Council adopted and submitted to the Secretary a fishery management plan (FMP) for ground fish of the Gulf of Alaska. The approved plan is to be published by the Secretary in conjunction with these proposed regulations.

The FMP for ground fish of the Gulf of Alaska supercedes the preliminary management plan (PMP) which controls foreign fishing in the Gulf of Alaska trawl fishery, as amended, and that portion of the PMP for sablefish of the Bering Sea and northeastern Pacific Ocean, as amended, applicable to the Gulf of Alaska (and the regulations implementing these PMP's: 50 CFR sections 611.92 and 611.94, 42 FR 60681, 60697-60699, November 28, 1977).

The FMP prohibits foreign taking of salmon, steelhead trout, Pacific halibut, and herring; and allows foreign fishing for pollock, cod, flounder, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid, and all other species of finfish not specifically excepted, in the FCZ in the Gulf of Alaska.

The taking of Pacific halibut by United States and Canadian vessels is regulated under the auspices of the International Pacific Halibut Commission and is not affected by these regulations. The taking of Pacific halibut by other foreign nations is prohibited by these and other regulations.

Four major objectives control the philosophy of management of the ground fish fisheries in the Gulf of Alaska. They are:

(A) Rational and optimal use, in both the biological and socioeconomic sense, of the region's fishery resources as a whole;

(B) Protection of the Pacific halibut resource, currently in a state of decline;

(C) Orderly development by the United States of domestic ground fisheries, consistent with (A) and (B) above; and

(D) Foreign participation in the fishery consistent with (A), (B), and (C) above, to take that portion of the optimum yield not utilized by domestic fishermen.

To achieve these objectives in the context of a workable management plan, the FMP and these regulations propose coordinated application of several management techniques, including season, gear, area, and catch restrictions for foreign and domestic fisheries.

Regulations for domestic fisheries within the FCZ under this FMP have been proposed as a new Part 672.

Area allocations. The FMP and proposed regulations establish optimum yields (OY's) and TALFF's for each ground fish species in each of five major statistical areas. The purpose of allocation by statistical areas is to avoid the overfishing of local stocks which has taken place in the past. When any nation's TALFF for any species in a statistical area is reached, that area is closed to all fishing by that nation for the remainder of that season. When OY for any species in a statistical area is reached, that area is closed to all foreign and domestic fishing for the remainder of that season.

Reserve. The FMP has set aside a portion of the OY as a reserve to be allocated at midseason to domestic or foreign fisheries, based upon reassessment of domestic harvesting capacity. The purpose of the reserve is to allow foreign and domestic fisheries to proceed concurrently while still assuring: (a) That resources are available to domestic fishermen to the extent of their capacity to harvest, and (b) that optimum use will be made of fishery resources to the extent that domestic fishermen will not harvest these resources.

Protection of halibut resource. The FMP and proposed regulations include gear, catch, and area restrictions on foreign fisheries (and gear and catch restrictions on domestic fisheries) for the purpose of protecting halibut stocks. These restrictions include limiting each foreign nation to a harvest of 25 percent of that nation's total initial allocation for the period from December 1 to May 31, and allowing only pelagic trawl gear during this period.

Sablefish allocation. The TALFF for sablefish was formerly divided into two parts: One for an incidental catch in the trawl fishery; and one for a directed longline fishery. Under these proposed regulations that distinction would not be preserved. Each foreign nation is made responsible for apportioning its allocation between longline and trawl vessels of that nation.

All interested parties are encouraged to submit written comments, views, or data concerning both the FMP and these proposed regulations which would implement the approved plan. In particular, NMFS encourages submission of comments relating to practical problems which will be encountered in implementing this management plan, and comments relating to the least disruptive means of implementing this FMP at midseason.

Comments may be submitted to the Assistant Administrator for Fisheries, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235. All such submissions received before June 4, 1978, will be considered before final action is taken on the implementing regulations.

Signed at Washington, D.C., this 14th day of April 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

In consideration of the above, and pursuant to the authority contained in Section 305(a) of the Act (16 U.S.C. 1855), the following amendments to 50 CFR Part 611 are proposed: delete Section 611.94, and revise Sections 611.2, 611.20, Table I, and 611.9, Appendix I as follows:

NOTE.— Section 611.92, as amended, supercedes § 611.94. The regulations relating to the Foreign Longline Directed Fishery for Sablefish (Blackcod) in the Gulf of Alaska are now contained within § 611.92.

Subpart G—North Pacific Ocean and Bering Sea

§ 611.92 Gulf of Alaska Groundfish Fishery.

(a) *Purpose.* This section regulates foreign fishing for all species of fish in the Gulf of Alaska, which includes that portion of the FCZ in the North Pacific Ocean, exclusive of the Bering Sea, between 132°40′ W. longitude and 170°00′ W. longitude, seaward of the State of Alaska.

(b) *Authorized Fisheries.*

(1) *TALFF's and National Allocations.* Foreign fishing vessels may engage in fishing only in accordance with the TALFF's, national allocations and area TALFFs specified in Table i.

Table .

GULF OF ALASKA GROUNDFISH FISHERY: INITIAL FOREIGN FISHING ALLOCATIONS BY NATION AND AREA FOR 1978 (metric tons)

(A) Shumagin Area

Nation	Pollock	Pacific Ocean Perch	Other Rock-fishes	Flounders	Sable fish	Atka Mackerel	Pacific Cod 1/	Squid	Other Species
Japan									
Korea									
Mexico									
Poland									
USSR									
Initial TALFF Shumagin Area	40,800	2,060	140	3,120	1,500	5,520	5,380	320	3,420

(B) Chirikof Area

Japan									
Korea									
Mexico									
Poland									
USSR									
Initial TALFF Chirikof Area	38,920	2,060	160	1,560	1,120	2,880	1,480	320	2,780

(C) Kodiak Area

Japan									
Korea									
Mexico									
Poland									
USSR									
Initial TALFF Kodiak Area	29,240	5,960	280	7,000	1,820	12,640	5,440	320	3,800

(D) Yakutat Area

Japan									
Korea									
Mexico									
Poland									
USSR									
Initial TALFF Yakutat Area	8,900	5,920	1,820	3,720	1,920	800	1,540	320	1,580

(E) Southeast Area

Japan									
Korea									
Mexico									
Poland									
USSR									
Initial TALFF Southeast Area	2,980	4,900	1,680	1,200	0	0	500	320	880
Total Initial TALFF	120,840	18,900	4,080	19,600	6,400	19,840	12,340 1/	1,600	12,460

1/ Of the total Pacific Cod TALFF (including the 20 percent reserve), only 6,233 metric tons may be caught west of 157° W. long

(i) The initial TALFF's set out in Table I of this section represent the amount of fish remaining afer the expected domestic annual harvest was subtracted from 80 percent of the optimum yield (OY). The other 20 percent of the OY has been set aside in a reserve (see Table I of § 611.20, and 611.20(b)).

(A) In the Gulf of Alaska groundfish fishery there are no scheduled midseason reassissments of OY.

(B) Quarterly during the year, the Regional Director (Alaska Region, NMFS, Box 1668, Juneau, Alaska 99802. "The Regional Director") will apportion any part of the 20 percent reserve to domestic or foreign fisheries on the basis of a continuing reappraisal of domestic annual harvest.

(ii) The category "other species" in Table I includes all species except:

(A) The other fish listed in the table; and

(B) Shrimp, scallops, salmon, steelhead, Pacific halibut, herring, and Continental Shelf fishery resources.

(iii) The category "other rockfishes" in Table I includes all rockfishes other than Pacific ocean perch.

(iv) In any statistical area where the TALFF for any species is listed in Table I of this section as "0" (zero), and catch of that species in that area shall be considered catch of a "prohibited species" and treated in accordance with the provisions of section 611.13.

(2) The taking of any species for which a nation has an allocation is permitted, provided that:

(i) The foreign nation has not caught its allocation of that species as specified in Table I of this section;

(A) If a foreign nation has caught its allocation of any species in any fishing area in Table I all further fishing by that nation in that fishing area must terminate even if the other allocations have not been reached.

(B) It is essential that foreign nations plan their fishing strategy to ensure that the reaching of an allocation for one species does not result in the premature closing of a nation's fishery for other allocated species in that fishing area;

(ii) Optimum yield (OY) has not been reached (see Table I of Part 672 for OY figures by statistical area);

(A) If the Regional Director determines that the Optimum Yield for any species in any statistical area has been reached, all fishing in that statistical area by any vessel subject to this section must terminate even if national allocations or optimum yields for other species have not been reached.

(B) Notice of any such closure shall be given to foreign nations in accordance with § 611.15(c);

(iii) The foreign nation has not caught more than 25 percent of its allocation for all species combined during the periods from January 1 to May 31, and December 1 to December 31 combined.

(A) If a foreign nation catches 25 percent of its allocation before May 31, then the Regional Director shall close the Gulf of Alaska to all fishing by vessels of that nation for all species regulated under this section until June 1 of that season and he shall also impose the same closure between December 1 and December 31. If the percentage is reached between December 1 and December 31, then the Regional Director shall close the Gulf of Alaska to all fishing by vessels of that nation for all species regulated under this section for the remainder of the year.

(B) Notice of closure will be given to foreign nations in accordance with the procedures in § 611.15(c);

(iv) The fishery has not been closed under § 611.15.

(3) Subject to the time, area and other restrictions of this § 611.92, any foreign nation with an allocation for Pacific cod or sablefish may conduct a directed fishery for these species, provided that:

(i) Any directed fishery for Pacific cod landward of the 500 meter depth contour and west of 157° W. longitude:

(A) may be conducted only with longline gear;

(B) is prohibited during the halibut season as established by the International Pacific Halibut Commission; and

(C) will be closed by the Regional Director in accordance with the procedures in § 611.15(c) when the Regional Director determines that the total foreign harvest of Pacific cod west of 157° W. longitude has reached 4,000 metric tons (if no reserve has been allocated to foreign nations); or 4,000 metric tons plus the amount of any allocated reserve to a limit of 6,233 metric tons.

(ii) Any directed fishery for sablefish in the Gulf of Alaska may be conducted only with longline gear.

(c) *Open Areas.* Except for the closed areas described in subparagraph (d) of this paragraph, the open area for foreign fishing includes the entire Gulf of Alaska beyond twelve nautical miles from the base line used to measure the U.S. territorial sea.

(d) *Closed Areas.* All dates in this § 611.92(d) are inclusive. Time periods begin and end at 0800 GMT on the dates specified.

(1) *All Fishing.* The following areas shall be closed to all foreign fishing year-round:

(i) *Cape Edgecumbe-Salisbury Sound: between 56°53' N. latitude and 57°24' N. latitude east of 137°00' W. longitude.*

(ii) *Cross Sound Gully:* between 57°50' N. latitude and 58°12' N. latitude east of 137°25' W. longitude.

(iii) *Fairweather Gully:* the area bounded by rhumb lines connecting the following coordinates in the order listed:

North latitude	*West longitude*
58°28'	140°00'
58°48'	138°50'
58°10'	139°11'
58°28'	140°00'

(iv) *"Davidson Bank": between 163°04' W. longitude and 166°00' W. longitude north of 53°00' N. latitude.*

(2) *Trawl.* The following areas shall be closed to foreign trawling during the periods specified:

(i) 140° W. longitude to 147° W. longitude, closed from January 1 to February 15, and from November 1 to December 31.

(ii) 147° W. longitude to 157° W. longitude, closed from February 16 to May 31.

(iii) Six "Kodiak Gear Areas", bounded respectively by rhumb lines connecting in each of the following groups the coordinates in the order listed are closed from January 1 to May 31, and August 10 to December 31:

(A)

North latitude	*West longitude*
57°15'	154°51'
56°57'	154°34'
56°21'	155°40'
56°26'	155°55'
57°15'	154°51'

(B)

North latitude	*West longitude*
56°27'	154°06'
55°46'	155°27'
55°40'	155°17'
55°48'	155°00'
55°54'	154°55'
56°03'	154°36'
56°03'	153°45'
56°30'	153°45'
56°30'	153°49'
56°27'	154°06'

(C)

North latitude	*West longitude*
56°30'	153°49'
56°30'	153°00'
56°44'	153°00'
56°57'	153°15'
56°45'	153°45'
56°30'	153°49'

(D)

North latitude	*West longitude*
57°05'	152°52'
56°54'	152°52'
56°46'	152°37'
56°46'	152°20'
57°19'	152°20'
57°05'	152°52'

(E)

North latitude	*West longitude*
57°35'	152°03'
57°11'	151°14'
57°19'	150°57'
57°48'	152°00'
57°35'	151°03'

(F)

North latitude	*West longitude*
58°00'	151°00'
58°00'	150°00'
58°12'	150°00'
58°19'	151°29'
58°00'	152°00'

(iv) *Three "Kodiak Halibut areas".* If the first fishing period of the U.S. halibut setline fishing season opens after May 26 (pursuant to decision of the International Pacific Halibut Commission), then the following areas, bounded respectively by rhumb lines, shall be closed to all foreign trawling

from 5 days prior, to 5 days after, the first opening of U.S. halibut setline fishery (the Regional Director shall give notification of the opening date of the U.S. halibut set line fishing season to the designated representative of each foreign nation):

(A) 58°30′ N. lat. to 59°30′ N. lat., between 147°40′ W. long. and 150°20′ W. long.

(B) 57°40′ N. lat. to 58°05′ N. lat., between 148°50′ W. long. and 150°30′ W. long.

(C) 55°30′ N. lat. to 56°25′ N. lat., between 155°45′ W. long. and 156°30′ W. long.

(3) *Longline.* The following areas in the Gulf of Alaska shall be closed to foreign longline fishing year-round:

(i) East of 141° W. longitude; and

(ii) East of 157° W. longitude and landward of the 500 meter depth contour.

(e) *Gear Restrictions.* (1) During the periods from January 1 to May 31, and December 1 to December 31, trawl vessels subject to this section may use only pelagic trawls (trawls in which neither the net nor the otter boards operates in contact with the bottom) equipped with recording net-sonde devices functioning properly during each tow.

(A) The footrope of the net shall not be in contact with the bottom for more than 10 percent of any tow, as indicated by the net-sonde read-out.

(B) The net-sonde read-outs for each tow shall be retained aboard each foreign trawl vessel for the duration of the trip.

(C) No foreign trawl vessel may attach to this pelagic gear any protective device (such as chafing gear, rollers or bobbins) which would make it possible to fish on the bottom.

(2) Vessels subject to this section may use only longline gear when conducting a directed fishery for:

(A) Sablefish; and

(B) Pacific cod in the area west of 157° west longitude landward of 500 meter depth contour.

(f) *Additional Statistical Report—Annual.* In addition to the requirements of § 611.0 each nation whose fishermen operate in the Gulf of Alaska shall report, to the Regional Director, by May 30 of the following year annual catch and effort statistics as follows:

(1) *Trawls.*—(i) Effort in hours trawled, by vessel class, by gear type, by month, by ½° (lat.) x 1° (long.) statistical area;

(ii) Catch in 1/10 of a metric ton, by vessel class, by gear type, by month, by ½° (lat.) x 1° (long.) statistical area, by the following species groupings: Yellowfin sole, Rock sole; Flathead sole, Arrow-tooth flounder; Other flounders; Pacific ocean perch; Other rockfish; Pacific cod, Sablefish (Blackcod); Walleye (Alaska) pollock; Atka mackerel, Squid; any Other species taken in excess of 1,000 metric tons; and Other fishes.

(2) *Longline.*—(i) Effort in number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by ½° (lat.) x 1° (long.) statistical areas; and

(ii) Catch in 1/10 of a metric ton, by vessel class, by gear type, by month, by ½° (lat.) x 1° (long.) statistical area. The characteristic features of gear and vessels are also to be reported.

§ 611.9 [Amended]

Section 611.9, Appendix I "Species Codes—Pacific Ocean" shall be amended as follows:

(1) Between line 20 ("037 Halibut, Pacific * * *") and line 21 ("099 * * *) *add* the following:

[Reserved] Arrowtooth flounder, *Atheresthes stomias.*

[Reserved] Rock sole, *Lepidopsetta bilineata.*

[Reserved] Flathead sole, *Hippoglossoides elassodon.*

(2) Amend lines 3 and 4 (* * * Flounders, other than yellowfin sole) to delete "* * * other than yellowfin sole" so line reads: "003 Flounders *Pleuronetiformes.*"

(3) Amend line 12 ("012 Rockfishes, other * * *) by *deleting* "* * * other than Pacific ocean perch", and "*Sebastes spp.*" and *adding* "*Scorpaenidae*", so line reads: "012 Rockfishes *Scorpaenidae*"

§ 611.2 [Amended]

50 CFR § 611.2 is amended as follows:

After subsection (ee) "billfish" * * * *add new subsection* (ff):

(ff) "Longline" means a stationary, buoyed and anchored line or a floating free-drifting line, with lures, baited hooks or pots attached.

§ 611.20 [Amended]

Section 611.20 of Subpart B shall be amended as follows:

(1) In subsection (b), line 1, *add* before "* * * Each assessment * * *", *New Language* "Unless otherwise specified in the following sections, * * *" so (b) reads:

(b) Unless otherwise specified in the following sections, each assessment of Optimum * * *".

(2) Table I of § 611.20, lines 15–23 and footnote 2 are amended as per attached new Table I, lines 15–23.

Amendments to sec. 611.20, Table 1. Change lines 15, 16, 17, 19, 21, and 23 to read as follows:

Species code	Species	Ocean area	Initial TALFF	U.S. capacity review date
006	Cod, Pacific	Gulf of Alaska	[3]12,340	Mar. 31, June 30, Aug. 31, and Oct. 31.
002 and 003	Flounders, including yellowfin sole.	do	[3]19,600	Do.
008	Mackerel, atka	do	19,840	Do.
* * *	* * *	* * *	* * *	* * *
005	Pollock	do	[3]120,840	Do.
* * *	* * *	* * *	* * *	* * *
007	Sablefish	do	[3]6,400	Do.
* * *	* * *	* * *	* * *	* * *
099	Other species	do	[3]12,460	Do.

NOTE.—Delete footnote No. 2 at end of table 1.

[FR Doc. 78-10709 Filed 4-20-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[4310-10]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with Section 800.5(c) of the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on May 8, 1978, at 7 p.m., a public information meeting will be held in the Reddy-Kilowatt Room of the Arkansas Power and Light Building, 9th and Louisiana Streets, Little Rock, Ark. The purpose of this meeting is to provide an opportunity for representatives of public and private organizations, and interested citizens to receive information and express their views on the proposed construction of Interstate Highway 630, an undertaking assisted by the Federal Highway Administration, that will adversely affect McArthur Park Historic District and other cultural properties included in the National Register of Historic Places.

The following is a summary of the agenda of the public information meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. An explanation of the undertaking and an evaluation of its effects on the properties by the Federal Highway Administration.

III. A statement by the Arkansas State Historic Preservation Officer.

IV. Statements from local officials, private organizations and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statements to approximately 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, P.O. Box 25085, Denver, Colo., or at 303-234-4946.

ROBERT R. GARVEY,
Executive Director.

[FR Doc. 78-10958 Filed 4-20-78; 8:45 am]

[3410-05]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DIRECTOR, FINANCIAL MANAGEMENT DIVISION

Delegation of Authority for Setoffs and Withholdings

Pursuant to the authority vested in me by the Setoff and Withholding Regulations, 7 CFR Part 13 (29 FR 9425), the Director, Financial Management Division, Agricultural Stabilization and Conservation Service, is hereby authorized, as my designee, to:

1. Specifically authorize setoff pursuant to section 13.4(f) of such regulations.

2. Receive requests for setoff as provided in section 13.6(d) of such regulations.

3. Issue such procedures and instructions as may be required from time to time as provided in section 13.10 of such regulations.

This authority may not be redelegated.

Effective Date: April 21, 1978.

Signed at Washington, D.C., on April 17, 1978.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-10818 Filed 4-20-78; 8:45 am]

[3410-11]

Forest Service

PROPOSED REVISION OF LAND MANAGEMENT PLAN, ELK SUMMIT PLANNING UNIT

Availability of Public Review Draft

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Public Review Draft of a proposed revision of the Land Management Plan for the Elk Summit Planning Unit.

The original Land Management Plan and Final Environmental Statement, Forest Service Report No. USDA-FS-FES (Adm) R1-74-7, was transmitted to CEQ on March 25, 1975.

The public review draft concerns a proposed revision of the Land Management Plan for the Elk Summit Planning Unit, Powell Ranger District, Clearwater National Forest.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Building, Room 3230, 12th Street & Independence Avenue SW., Washington, D.C. 20250.

USDA Forest Service, Northern Region, Federal Building, Room 3077, Missoula, Montana 59801.

USDA Forest Service, Clearwater National Forest, Route No. 4, Ahsahka Road, Orofino, Idaho 83544.

USDA Forest Service, Powell Ranger District, Clearwater National Forest, Powell Ranger Station, Lolo, Montana 59847.

A limited number of single copies are available upon request to Forest Supervisor, Kenneth P. Norman, Clearwater National Forest, Rt. No. 4, Ahsahka Road, Orofino, Idaho 83544.

Copies of the public review draft have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Kenneth P. Norman, Clearwater National Forest, Route No. 4, Ahsahka Road, Orofino, Idaho 83544. Comments must be received by June 14, 1978 in order to be considered in the preparation of the revised final environmental statement.

KENNETH P. NORMAN,
Forest Supervisor, Clearwater National Forest, Northern Region.

[FR Doc. 78-10780 Filed 4-20-78; 8:45 am]

[3410-16]

Soil Conservation Service

MT. JEWETT COMMUNITY PARK LAND DRAINAGE R.C. & D. MEASURE, PA.

Notice of Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental

Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mt. Jewett Community Park Land Drainage R.C. & D. Measure, McKean County, Pa.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include 2,500 feet of subsurface drain; 550 feet of grassed waterways; 200 feet of diversions; 2.5 acres of grading and shaping; and 3 acres of revegetation.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pa. 17108, 717-782-2202. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 22, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: April 11, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-10782 Filed 4-20-78; 8:45 am]

[3410-16]

NORTH VERMILLION SCHOOL CRITICAL AREA TREATMENT R.C. & D. MEASURE, IND.

Notice of Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Vermillion School Critical Area Treatment R.C. & D. Measure, Vermillion County, Ind.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include installation of 60 feet of corrugated metal pipe onto existing tile outlet, placing 100 tons of riprap at outlet and 0.1 acre of critical area treatment (seeding to grass).

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 22, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: April 11, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 73-10781 Filed 4-20-78; 8:45 am]

[3410-16]

PATHFINDER IRRIGATION DISTRICT WYOMING NO. 2 LATERAL PIPELINE R.C. & D. MEASURE, WYOMING AND NEBRASKA

Notice of Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pathfinder Irrigation District Wyoming No. 2 Lateral Pipeline R.C. & D. Measure, Goshen County, Wyo. and Sioux County, Nebr.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Frank S. Dickson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for improving farm irrigation. The planned works of improvement include installation of 16,450 feet of underground pipeline to deliver irrigation water to about 900 acres of irrigated land located in sections 2, 3, 10, and 11, Township 24N and Range 60 W. Land treatment practices to be implemented include leveling, irrigation water management, and windbreak tree planting.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Frank S. Dickson, State Conservationist, Soil Conservation Service, 100 East "B" Street, Casper, Wyo. 82601, 307-265-5550, extension 5201. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 22, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: April 11, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-10783 Filed 4-19-78; 8:45 am]

[3410-16]

ROSEDALE SCHOOL LAND DRAINAGE R.C. & D. MEASURE, INDIANA

Notice of Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental

Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Rosedale School Land Drainage R.C. & D., Measure, Parke County, Ind.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include installation of one corrugated metal outlet pipe; 4,800 feet of subsurface drain; nine surface inlets; .6 acre of grassed waterway; and 1.5 acres of critical area treatment (grass seeding).

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 22, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: April 11, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 78-10784 Filed 4-20-78; 8:45 am]

[3410-11]

SHEEP MOUNTAIN WILDERNESS

Public Hearing

Notice is hereby given that a public hearing will be held, beginning at 2 p.m., May 22, 1978, in La Fetra Hall, La Verne College, La Verne, Calif., on a proposal for the future management of the Sheep Mountain Wilderness Study Area. The study are is comprised of 68,500 acres within the Angeles and San Bernardino National Forests in the Counties of Los Angeles and San Bernardino in the State of California.

The Wilderness Report and Draft Environmental Statement can be reviewed at libraries from Pasadena to Upland, Calif., as well as a number of National Forest offices. For information about the nearest depository in your area, write or call the Forest Supervisor, Angeles National Forest, 150 S. Los Robles Avenue, Pasadena, Calif. 91101.

Individuals and organization may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Forest Supervisor, 150 S. Los Robles Avenue, Pasadena, Calif. 91101. Those persons wishing to present oral testimony at the hearing should notify the Forest Supervisor prior to May 12, 1978.

APRIL 14, 1978.

R. MAX PETERSON,
Deputy Chief.

[FR Doc. 78-11096 Filed 4-20-78; 11:23 am]

[6820-32]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PRIVACY ACT OF 1974

Proposed New System of Records

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Notification of Proposed New System of Records.

SUMMARY: The U.S. Arms Control and Disarmament Agency proposes to create a new system of records identified as ACDA-15, Fellowship Grants Records—ACDA, which is being published for public comment. The purpose of this new proposed system of records is the administration of a new fellowship grant program to individuals for the study of arms control subjects.

DATES: This system shall become effective as proposed on May 21, 1978, unless comments are received on or before that date which would result in a contrary or changed determination.

ADDRESS: Send comments to: Office of the General Counsel, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles R. Oleszycki, Office of the General Counsel, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, 202-632-0760.

SUPPLEMENTARY INFORMATION: A limited number of fellowships will be granted by the Agency for the study of arms control subjects. The fellowships will be granted on a competitive basis to qualified individuals who apply to the Agency for this purpose. The proposed system of records will contain the information concerning the applicants which is used to grant the fellowships and will also contain information necessary for the administration of the program.

The Agency has submitted a report concerning this proposed new system of records pursuant to Office of Management and Budget, Circular No. A-108, Transmittal Memorandums No. 1 and No. 3, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974, 5 U.S.C. 552a(o).

The purpose of this document, in accordance with the requirements of the Privacy Act, 5 U.S.C. 552a(e)(4) and (11), is to give notice of a proposed new system of records and to provide an opportunity for interested persons to comment upon the proposal.

The U.S. Arms Control and Disarmament Agency proposes to create a new system of records in order to administer a new program of fellowship grants to individuals for the study of arms control subjects. The fellowships will be awarded on a competitive basis to qualified individuals that apply to the Agency for this purpose. Applicants will be evaluated initially by Agency personnel. A final decision will be made by an evaluation committee consisting of Agency officials and academic advisors. Applicants will be evaluated by means of information submitted in applications, academic records, and letters of recommendation. The applications judged to be the most meritorious will receive grants. Information on unsuccessful applicants will be destroyed. Information concerning successful applicants will be retained as part of the file on that individual and used for the administration of the program until completion of the fellowship. Basic information on all applicants necessary for administration of the program will be retained indefinitely. The routine uses of this proposed system of records will be for the general purposes set forth in this paragraph. A more detailed description of the routine uses is provided in the description of the system set forth below.

Pursuant to 5 U.S.C. 552a(e)(4) and (11), the proposed new system of records and routine uses of the proposed new system of records are hereby set out below for public comment. Interested persons are invited to submit written data, views, or arguments with respect to the system or the routine uses, in duplicate, to the Office of the

General Counsel, United States Arms Control and Disarmament Agency, Washington, D.C. 20451, on or before May 21, 1978.

Dated: April 14, 1978.

JAMES T. HACKETT,
Administrative Director.

ACDA-15

System name:

Fellowship Grants Records—ACDA.

System location:

Agency Headquarters, Department of State Building, 320 21st Street NW., Washington, D.C. 20451.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Available to ACDA Officials for use in evaluation of applications for grants. Available to the final selection committee, consisting of ACDA Officials and academic advisors for use in evaluations of applications for grants. Available to ACDA Officials for use in the administration of the grant program.

Disclosure may be made to a congressional office as a routine use from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this Agency under agreement with GSA.

In the event that these records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system: Storage:

Maintained in standard file folders.

Retrievability:

Filed alphabetically by last name.

Safeguards:

Records maintained in bar-lock steel cabinet.

Retention and disposal:

Records of unsuccessful applicants are maintained only until a final decision is made regarding the application and are then destroyed. Records of successful applicants are retained until completion of the fellowship. Basic information on all applicants necessary for administration of the program will be retained indefinitely.

System manager(s) and address:

Fellowship Grants Project Officer, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

Notification procedure:

Privacy Act Officer, Room 5534.

Record access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

Individual applicants, academic records, letters of recommendation, application evaluations.

Systems exempted from certain provisions of the act:

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information is exempted from the provisions of the Act, in accordance with Subsection (k)(5) of the Act and Section 603.8(b) of the Agency regulations, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence.

[FR Doc. 78-10937 Filed 4-20-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

HERBST SHOE MANUFACTURING CO., DELAWARE ALLOY FORGE CO., AND MADISON WIRE CO.

Petitions

Petitions were accepted from three firms: (1) Herbst Shoe Manufacturing Co., 6 Production Drive, Little Rock, Ark. 72209, a producer of footwear for children (accepted April 11, 1978); (2) Delaware Alloy Forge Co., 2300 East Tioga Street, Philadelphia, Pa. 19134, a producer of steel forgings (accepted April 12, 1978); and (3) Madison Wire Co., 324 Indian Church Road, P.O. Box 46, South Park Station, Buffalo, N.Y. 14220, a producer of wire (accepted April 13, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-10844 Filed 4-20-78; 8:45 am]

[3510-03]

Maritime Administration

CONSTRUCTION OF FIVE 35,000 DWT DRY BULK CARRIERS MA DESIGN C5-M-129a

Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 501(a) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of five 35,000 dwt dry bulk carriers, MA Design C5-M-129a, since there has been a severe change in the yen/dollar relationship and the intensity of international shipbuilding competition from the time of the initial notice. This notice supercedes the "Notice of Intent" dated July 8, 1977, for the same vessels, which was published in the FEDERAL REGISTER of July 15, 1977.

Any person, firm or corporation having any interest (within the meaning of section 501(a)) in such computations may file written statements by the close of business on May 17, 1978, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Dated: April 18, 1978.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-10918 Filed 4-20-78; 8:45 am]

[3510-03]

SS UNITED STATES

Invitation for Bids For Sale and Operation or Use of the Vessel

Notice is hereby given that pursuant to the provisions of Pub. L. 92-296, as amended, the Maritime Administration has issued Invitation for Bids No. PD-X-1029, dated April 18, 1978, inviting sealed bids from citizens of the United States for the purchase of the SS *United States*, O.N. 263934.

The Assistant Secretary of Commerce for Maritime Affairs, acting for and on behalf of the Secretary of Commerce and pursuant to the provisions of Pub. L. 92-296, on February 6, 1973, purchased the passenger liner SS *United States* from its former owner. The Public Law permitted the Maritime Administration to sell or charter the vessel to a qualified operator or lay up the vessel in the National Defense Reserve Fleet. Section 2 of Pub. L. 92-296 (86 Stat. 140) has been amended to permit the use of the vessel as a floating hotel in or on the navigable waters of the United States. Notices in the FEDERAL REGISTER on February 26, 1973 (38 FR 5197), November 9, 1973 (38 FR 31021), August 11, 1975 (40 FR 33696), and December 3, 1976 (41 FR 53125), solicited proposals and/or bids from qualified operators interested in the purchase or charter of the vessel for operation under the United States flag. None of the bids submitted pursuant to these notices was completely responsive.

The Maritime Administration is reoffering the ship for sale on an "as is, where is" basis to United States citizens for United States flag operation, or for use as a floating hotel in or on the navigable waters of the United States, as contemplated by Pub. L. 92-296, as amended, under the terms and conditions set forth in the Invitation for Bids No. PD-X-1029.

The minimum acceptable bid price for the SS *United States* is $5,000,000. The purchase price is payable in cash within 30 days of acceptance of the successful bid by the Maritime Administration.

A ten (10) percent bid deposit is required with each bid.

Award will be made to the highest responsive and responsible bidder, and accordingly, the Maritime Administration reserves the right to reject any bid proposing operations or uses not considered in keeping with the intent of Pub. L. 92-296, as amended.

Each bid is to be accompanied by a suitably detailed outline of the proposed operation or use of the vessel, together with sufficient detail concerning the financial resources of the bidder to enable the Maritime Administration to determine the ability of the bidder to consummate the transaction and operate or use the vessel in a manner contemplated by Pub. L. 92-296, as amended. Bidders who have previously submitted proposals in response to the notices in the FEDERAL REGISTER of February 26, 1973, November 9, 1973, August 11, 1975, and December 3, 1976, must update and resubmit their proposals to be eligible for consideration under this Invitation.

Sale of the SS *United States* is subject to the following conditions:

1. No operating-differential subsidy shall be paid for operation or use of the vessel.

2. The vessel's operating machinery and equipment, whether purchased for operation under U.S. flag or for use as a floating hotel, will be maintained in at least as good condition as it is in at the time of purchase, ordinary wear and tear excepted (ordinary wear and tear as used herein shall mean ordinary wear and tear which would occur in normal commercial use notwithstanding good commercial maintenance requirements). The Maritime Administration shall have the right to specify the standard of maintenance and inspect for compliance at any reasonable time.

3. At no time may the vessel be sold or scrapped without the prior approval of the Maritime Administration, and it shall be used only for such purposes as contemplated by Pub. L. 92-296, as amended. Should the Buyer cease to utilize the vessel for such purposes or cease to maintain the operating machinery and equipment as specified in No. 3 above, the Maritime Administration may repurchase the vessel at the depreciated cost of the vessel to the owner, as determined by the Secretary of Commerce.

4. Whenever the conditions set forth in section 902 of the Merchant Marine Act, 1936, as amended, exist, the vessel may be requisitioned or purchased by the United States, and just compensation for title or use, as the case may be, shall be paid in accordance with section 902 of that Act.

5. The above conditions shall be recognized and included in any financing or other agreement by which title to the vessel is pledged as security; and no such agreement(s) may be entered into without prior approval of its (their) terms by the Administration.

Copies of the Invitation for Bids No. PD-X-1029, dated April 18, 1978, may be obtained from the Contracting Officer: Burt T. Kyle, Director, Office of Domestic Shipping—Code M-740, Maritime Administration, Room 6616, Commerce Building, Washington, D.C. 20230, telephone: A/C 202-377-5157.

Bids are to be in the form specified in the Invitation for Bids and are to be addressed to Secretary, Code M-120, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Bids will be received until 2:15 p.m. eastern daylight time, July 18, 1978, and public opening will be held at 2:15 p.m., eastern daylight time, on that date at the offices of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, D.C.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: April 18, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-10915 Filed 4-20-78; 8:45 am]

[3510-03]

CONSTRUCTION OF THREE INTEGRATED SUPERPHOSPHORIC ACID (SPA) TUG BARGE VESSELS

Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 501(a) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of three integrated superphosphoric acid (SPA) tug barge vessels.

Any person, firm, or corporation having any interest (within the meaning of section 501(a)) in such computations may file written statements by the close of business on May 10, 1978, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Com-

merce Building, 14th and E Streets NW., Washington, D.C. 20230.

By Order of the Maritime Subsidy Board, Maritime Administration.

Dated: April 18, 1978.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc. 78-10916 Filed 4-20-78; 8:45 am]

[3510-03]

[Docket No. S-602]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc. (Delta), in connection with the proposed acquisition by Delta of the South American services of Prudential Lines, Inc. (Prudential) is requesting written permission pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended, with respect to the carriage of passengers, their baggage and their automobiles by four combination passenger-cargo ships designated as the C4-S1-49a type and commonly referred to as the M-class ships. The specific written permissions requested are:

1. Continuation by Delta of the written permission previously granted to Prudential to carry passengers, their baggage and their automobiles between U.S. Pacific ports (Washington-California, inclusive) on regularly scheduled voyages on Trade Routes Nos. 23, 24, and 25.

2. Delta proposes to add to the itinerary of the M-class ships calls at United States Gulf ports, the Port of Miami, Florida, and ports in Puerto Rico for the purpose of carrying passengers, their baggage and their automobiles between United States Pacific ports and United States Gulf ports, the Port of Miami, Florida, and ports in Puerto Rico. Delta is further requesting authority to embark passengers from United States Gulf ports, the Port of Miami or ports in Puerto Rico for disembarkation at a foreign port or at a United States West Coast port.

Each M-class ship has total accommodations for 125 passengers. The service to be provided would be within the minimum of 25 and maximum of 42 sailings provided annually in subsidized service on Trade Routes Nos. 23, 24, and 25.

Publication of this Notice also incorporates public notice pursuant to section 605(c) of the Act of Delta's application to embark passengers at United States Gulf ports, the Port of Miami, or ports in Puerto Rico for disembarkation at foreign ports on Trade Routes Nos. 23, 24, and 25.

Interested parties may inspect a copy of Delta's application in the Office of the Secretary, Maritime Administration, Room 3099B, Department of Commerce Building, Fourteenth and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation having any interest (within the meaning of section 805(a) or section 605(c), as appropriate, in such application and desiring to be heard on issues pertinent to section 805(a) or section 605(c) and desiring to submit comments or views concerning the application must, by close of business on May 1, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: April 18, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-10917 Filed 4-20-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

GULF OF ALASKA GROUNDFISH FISHERY

Fishery Management Plan

A fishery management plan for the Gulf of Alaska Groundfish Fishery during 1978 has been reviewed and approved in accordance with Section 304 of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801, as amended. The plan was prepared and submitted by the North Pacific Fishery Management Council. The fishery management plan contains conservation and management measures applicable to foreign and domestic fishing for groundfish in the fishery conservation zone in the Gulf of Alaska.

The fishery management plan has been approved under a delegations of authority from the Secretary of Commerce to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration. The plan has been found to be consistent with the National Standards in Section 301 of the Act, the other provisions of the Act, and other applicable law. Proposed implementing regulations to govern fishing for groundfish under this plan are being published in this same issue of the FEDERAL REGISTER in the Proposed Rules section for public review and comment. All comments received by June 4, 1978, will be considered in preparing final regulations.

Dated: April 14, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-10618 Filed 4-20-78; 8:45 am]

[3510-22]

GULF SHRIMP BOATS, INC.

Transfer of a Fishing Vessel to Foreign Ownership; Receipt of Application for Approval

Notice is hereby given that on March 23, 1978, the Maritime Administration of the Department of Commerce received an application from Gulf Shrimp Boats, Inc., Star Route, Box 5, Brownsville, Tex. 78521 for approval of the sale of the 67' registered length fishing vessel *Scamp*, O.N. 524591 to Kings Pacific Fisheries Corp., c/o Thomas H. Bomar, 220 Montgomery Street, San Francisco, Calif. 94104. Such approval is required by Sections 9 and 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835) because 50 percent of the stock of King's Pacific Fisheries Corp., a U.S. corporation, is owned by Dong Won Fisheries Co., Ltd., a South Korean corporation, and the remaining 50 percent of the stock of King's Pacific Fisheries Corp. is owned by Dae Wang Fisheries Co., Ltd., a South Korean corporation, and the contemplated transfer would subject the vessel to foreign control. The *Scamp* now operates out of Brownsville, Tex. for shrimp. King's Pacific Fisheries Corp. proposes to engage the vessel for sole, cod, shark, and bottomfish in the Northeast Pacific off the coast of California, and to operate her out of the port of San Francisco.

The Maritime Administration is the Federal Agency responsible for the approval or disapproval of applications submitted pursuant to Sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application. Before responding, the Service is soliciting the written comments of interested persons in regard to this application. Such comments should be addressed to the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than May 22, 1978. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

WINFRED H. MEIBOHM,
Associate Director.

[FR Doc. 78-10824 Filed 4-20-78; 8:45 am]

[3510-22]

GULF SHRIMP BOATS, INC.

Transfer of a Fishing Vessel to Foreign Ownership; Receipt of Application for Approval

Notice is hereby given that on March 23, 1978, the Maritime Administration of the Department of Commerce received an application from Gulf Shrimp Boats, Inc., Star Route, Box 5, Brownsville, Tex. 78521 for approval of the sale of the 67' registered length fishing vessel *Modern Belle*, O.N. 522962 to King's Pacific Fisheries Corp., c/o Thomas H. Bomar, 220 Montgomery Street, San Francisco, Calif. 94104. Such approval is required by Sections 9 and 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835) because 50 percent of the stock of King's Pacific Fisheries Corp., a U.S. corporation, is owned by Dong Won Fisheries Co., Ltd., a South Korean corporation, and the remaining 50 percent of the stock of King's Pacific Fisheries Corp. is owned by Dae Wang Fisheries Co., Ltd., a South Korean corporation, and the contemplated transfer would subject the vessel to foreign control. The *Modern Belle* now operates out of Brownsville, Tex. for shrimp. King's Pacific Fisheries Corp. proposes to engage the vessel for sole, cod, shark, and bottomfish in the Northeast Pacific off the coast of California, and to operate her out of the port of San Francisco.

The Maritime Administration is the Federal Agency responsible for the approval or disapproval of applications submitted pursuant to Sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application. Before responding, the Service is soliciting the written comments of interested persons in regard to this application. Such comments should be addressed to the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than May 22, 1978. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

WINFRED H. MEIBOHM,
Associate Director.

[FR Doc. 78-10825 Filed 4-20-78; 8:45 am]

[3510-22]

WILLIAM L. HAMPTON, JR.

Transfer of a Fishing Vessel to Foreign Ownership; Receipt of Application for Approval

Notice is hereby given that on March 21, 1978, the Maritime Administration of the Department of Commerce received an application from Mr. William L. Hampton, Jr., P.O. Box 32, 8219 Richmond Street, Gibsonton, Fla. 33534 for the approval of the sale of the 28' length overall fishing vessel *Starfish*, to Quang Tran, 296OF Tanglewood Drive, South Clearwater, Fla. 33519. Such approval is required by sections 9 and 37 of the Shipping Act, 1916, as amended (36 U.S.C. 808, 335), because the applicant is a Vietnamese citizen and the contemplated transfer could subject the vessel to foreign control. The vessel is to be operated out of Clearwater and Gibsonton, Fla., primarily in the fishery for shrimp.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the view of the Service with regard to this application. Before responding, the Service is soliciting the written comments of interested persons in regard to this application. Such comments should be addressed to the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235, and received no later than May 22, 1978.

All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

WINFRED H. MEIBOHM,
Associate Director.

[FR Doc. 78-10826 Filed 4-20-78; 8:45 am]

[3510-22]

MARINE ANIMAL PRODUCTIONS, INC./ MARINE LIFE, INC.

Issuance of a Permit for Marine Mammals

On February 2, 1978, notice was published in the FEDERAL REGISTER (43 FR 4450) that an application had been filed with the National Marine Fisheries Service, by Marine Animal Productions, Inc./Marine Life, Inc., 150 Debuys Road, Biloxi, Miss. 39531, to take ten (10) Atlantic bottlenosed dolphins (*Tursiops truncatus*) and four (4) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on April 12, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Marine Animal Productions, Inc./Marine Life, Inc., subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33701;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Gloucester, Mass. 01930.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

APRIL 12, 1978.

[FR Doc. 73-10776 Filed 4-20-78; 8:45 am]

[3510-22]

SEA RESEARCH ASSOC.

Issuance of Permit To Take Endangered Species and Marine Mammals

On December 22, 1977, notice was published in the FEDERAL REGISTER (42 FR 64141) that an application had been filed with the National Marine Fisheries Service by Ms. Deborah A. Glockner and Mr. Spearous C. Venus, Mammals of the Sea Research Association, P.O. Box 1539, Lahaina, Maui, Hawaii 96761, for a permit to take by harassment an unspecified number of humpback whales in Hawaiian waters for the purpose of scientific research.

Notice is hereby given that on April 7, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a permit to Ms. Deborah A. Glockner and Mr. Spearous C. Venus, for the above taking, subject to certain conditions therein.

Issuance of this permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14357, November 27, 1974).

The permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: April 7, 1978.

6JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc. 78-10777 Filed 4-20-78; 8:45 am]

[3510-22]

SEA ARTISTS ENTERPRISES, WALTER MOSER-JACKLE LTD.

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
   a. Name: Sea Artists Enterprises, Walter Moser-Jackle Ltd.
   b. Address: 8640 Rapperswil, Switzerland.
2. Type of permit: Public display.
3. Name and number of animals: Bottlenosed dolphins (*Tursiops truncatus*), 3.
4. Type of take: To capture and maintain in a permanent facility.
5. Location of activity: Copano Bay, Rockport, Tex.
6. Period of activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Federal Veterinary Office, International Traffic with Animals and Animal Products, Switzerland, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes:

i. A verification from the Federal Veterinary Office of the information set forth in the application;

ii. A certification from the Federal Veterinary Office that the Government of Switzerland is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

iii. A statement that the Federal Veterinary Office will have no objection to a NMFS decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Federal Veterinary Office of Switzerland, have been found appropriate and sufficient to allow consideration of this permit application. Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors. Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 22, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator. All statements and opinions contained in this application are summaries of those of the applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

The Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: April 17, 1978.

ROLAND FINCH,
Acting Deputy AssistantDirector for Fisheries Management.

[FR Doc. 78-10840 Filed 4-20-78; 8:45 am]

[3510-22]

SEA SEARCH, LTD.

Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Part 217-222).

1. Applicant:
   a. Name: Sea Search, Ltd., Mr. Charles M. and Mrs. Virginia P. Jurasz.
   b. Address: P.O. Box 93, Auke Bay, Alaska 99821.
2. Type of permit: Scientific research.
3. Name and numer of animals: Cetaceans; specifically humpback whales, unspecified. (*Megaptera novaeangliae*); Killer whales (*Orcinus orca*); minke whales (*Balaenoptera acutorostrata*); Dall porpoise (*Phocoenoides dalli*); and harbor porpoise (*Phocoena phocoena*) unspecified.
4. Type of take: A behavior study through observation will be conducted which may cause harassment of individual species.
5. Location of activity: The waters of southeast Alaska.
6. Permit of activity: 5 years.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20325, on or before May 22, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; and Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109.

Dated: April 17, 1978.

ROLAND FINCH,
Acting Deputy Assistant Director for Fisheries Management.

[FR Doc. 78-10841 Filed 4-20-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

A meeting of the Scientific and Statistical Committee of the New England Fishery Management Council, established under Section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will

be held on May 10, 1978, at the Woods Hole Oceanographic Institution, Carriage House, Woods Hole, Massachusetts, from 9:30 a.m. to approximately 4:30 p.m.

The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

(1) Recommendations for Council's 1979 Programmatic Budget; (2) State fisheries statistical and data needs; (3) Multi-species management—continuing planning; and (4) Other Business.

The meeting is open to the public. For more information on seating changes to the agenda, and/or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: April 18, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-10942 Filed 4-20-78; 8:45 am]

[3510-17]

Office of the Secretary

EIGHT REGIONAL FISHERY MANAGEMENT COUNCILS AND THEIR RESPECTIVE SCIENTIFIC AND STATISTICAL COMMITTEES

Renewal of Charters

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 (as revised), new charters have been filed for the eight regional fishery management councils and their scientific and statistical committees (SCC's).

The President signed the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852 et seq.) into law on April 13, 1976. The eight councils were established, as directed by the Act, under charters filed on July 21, 1976, and the SSC's under charters filed between November 19, 1976, and April 22, 1977. The Act does not establish a termination date for the councils or the SSC's. Under the terms of the Federal Advisory Committee Act, new charters for the councils and the SSC's must be filed upon the expiration of each successive 2-year period following the date of enactment of the Act. Thus new charters for the councils and the SSC's must be filed on or before April 13, 1978.

The FCMA provides for an exclusive U.S. fishery conservation zone that extends 200 nautical miles from the baseline from which the territorial sea is measured, and mandates the establishment of eight regional fishery management councils, each with a scientific and statistical committee, to serve as the instruments of Federal, State, and private sector interaction in the conduct of fisheries management in the fishery conservation zone.

Under the authority of, and as directed by section 302 of the FCMA, eight regional fishery management councils and their respective scientific and statistical committees have been established as follows:

1. The New England Fishery Management Council and its Scientific and Statistical Committee with purview over the fisheries in the Atlantic Ocean seaward of the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut.
2. The Mid-Atlantic Fishery Management Council and its Scientific and Statistical Committee with purview over the fisheries in the Atlantic Ocean seaward of the States of New York, New Jersy, Delaware, Pennsylvania, Maryland, and Virginia.
3. The South Atlantic Fishery Management Council and its Scientific and Statistical Committee with purview over the fisheries in the Atlantic Ocean seaward of the states of North Carolina, South Carolina, Georgia, and Florida.
4. The Caribbean Fishery Management Council and its Scientific and Statistical Committee with purview over the fisheries in the Caribbean Sea and Atlantic Ocean seaward of the Virgin Islands and the Commonwealth of Puerto Rico.
5. The Gulf of Mexico Fishery Management Council and its Scientific and Statistical Committee with purview over the fisheries in the Gulf of Mexico seaward of the States of Texas, Louisiana, Mississippi, Alabama, and Florida.
6. The Pacific Fishery Management Council and its Scientific and Statistical Committee with purview over the fisheries in the Pacific Ocean seaward of the States of California, Oregon, Washington, and Idaho.
7. The North Pacific Fishery Management Council and its Scientific and Statistical Committee with purview over fisheries in the Arctic Ocean, Bering Sea, and Pacific Ocean seaward of Alaska.
8. The Western Pacific Fishery Management Council and its Scientific and Statistical Committees with purview over the fisheries in the Pacific Ocean seaward of the State of Hawaii, American Samoa, and Guam.

The objectives and duties of each council include: the preparation and submission to the Secretary of Commerce, or her delegate, of a fishery management plan with respect to each fishery within its respective geographical area of authority; the preparation of comments on any application for foreign fishing transmitted to it under a governing international fishery agreement by the Secretary of State of his/her delegate, under the terms of the Act; the preparation of comments on any fishery management plan(s) or amendment(s) transmitted to it by the Secretary of Commerce; the continuing review, and revision, as appropriate of assessments and specifications contained in each fishery management plan within its geographical area; the preparation and submission of certain reports to the Secretary of Commerce; and other duties and activities as prescribed by the Act.

Council membership, as required by the Act, includes Federal and State government officials and individuals who are knowledgeable or experienced with regard to the management, conservation, or recreational or commercial harvest of the fishery resources of the geographical area concerned.

The functions of the scientific and statistical committees are to assist their respective councils in the development, collection, and evaluation of such statistical, biological, economic, social, and other information as is relevant to the councils' efforts in development, monitoring, and amendment of any fishery management plan. These committees are composed of experts in the biological, statistical, economic, social, and other relevant disciplines.

The eight fishery management councils and their scientific and statistical committees operate in compliance with the provisions of the Federal Advisory Committee Act. Copies of the councils' and scientific and statistical committees' current charters have been filed with appropriate committees of the Congress and with the Library of Congress, in accordance with the provisions of sections 14(b)(2) and 9(c) of the Federal Advisory Committee Act.

Inquiries regarding this notice may be addressed to the Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Md. 20852, telephone 301-443-8731.

Dated: April 13, 1978.

ELSA A. PORTER,
Assistant Secretary for Administration, Department of Commerce.

[FR Doc. 78-10801 Filed 4-20-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CHANGES IN OFFICIALS OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AUTHORIZED TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS FROM THE PHILIPPINES

APRIL 17, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Five officials of the Government of the Republic of the Philippines have been authorized to issue export visas and certifications for exempt cotton, wool and man-made fiber textile products from the Philippines.

SUMMARY: The Government of the Republic of the Philippines has notified the United States Government that, effective on March 8, 1978, the following officials are authorized to issue export visas and certifications for exempt textile products exported to the United States:

Vicente B. Valdepenas, Jr., Undersecretary of Trade.
Leopoldo L. Ulanday, Assistant Secretary for Domestic Trade.
Dakila B. Fonacier, Assistant Secretary for Foreign Trade.
Jose T. Niverba, Chief, Legal Service.
Eduardo G. Sanchez, Executive Director, Garments and Textile Export Office.

EFFECTIVE DATE: March 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On September 9, 1976, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the FEDERAL REGISTER (41 FR 38205), which established an export visa requirement and certification for exemption of cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of the Republic of the Philippines. The Government of the Republic of the Philippines has requested that five new officials be recognized as authorized to issue export visas and certifications for exemption. Each visa and certification will be signed by two of the five officials.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-10800 Filed 4-20-78; 8:45 am]

[3510-25]

COTTON TEXTILE AGREEMENT WITH PAKISTAN, EFFECTIVE JANUARY 1, 1978

Correcting Levels of Restraint for Certain Cotton Textile Products from Pakistan

APRIL 17, 1978.

On January 27, 1978, there was published in the FEDERAL REGISTER (43 FR 3738) a letter dated January 19, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing import restraint levels during the twelve-month period beginning on January 1, 1978, for certain cotton textile products from Pakistan, pursuant to a new Bilateral Cotton Textile Agreement of January 4 and 9, 1978, between the Governments of the United States and Pakistan. The sublimit for men's and boys' cotton tank tops and other knit shirts in T.S.U.S.A. numbers 380.0651 and 380.0652 within Category 338 should have been 799,583 dozen, instead of 799,542 dozen. The sublimit for women's, girls' and infants' cotton knit blouses in T.S.U.S.A. numbers 382.0669 and 382.0671 within Category 339 should have been 122,083 dozen, instead of 122,097 dozen.

Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the directive of January 19, 1978, effective on April 18, 1978, to correct the sublimits within Categories 338 and 339.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

APRIL 17, 1978.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on January 19, 1978 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain specific categories of cotton textile products, produced or manufactured in Pakistan.

The first paragraph of the directive of January 19, 1978 is amended, effective on April 18, 1978, to show the following levels of restraint for Categories 338 and 339, produced or manufactured in Pakistan and exported to the United States during the twelve-month period which began on January 1, 1978 and extends through December 31, 1978:

Category and twelve-month level of restraint[1]

338—1,597,222 dozen of which not more than 799,583 dozen shall be in T.S.U.S.A. 380.0651 and 380.0652.

339—347,222 dozen of which not more than 122,083 dozen shall be in T.S.U.S.A. 382.0669 and 382.0671.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-10799 Filed 4-20-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 24, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1978, November 14, 1977 (42 FR 59015):

CLASS 6230. Flashlight, Electric, Hand 6230-00-163-1856, 6230-00-643-3486.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-10821 Filed 4-20-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE, SULPHUR MINES SALT DOME CALCASIEU PARISH, LA (DOE/EIS-0010)

Availability of Final Environmental Impact Statement

Notice is hereby given that a final Environmental Impact Statement, DOE/EIS-0010, Strategic Petroleum Reserve, Sulphur Mines Salt Dome, Calcasieu Parish, La. (March 1978), was issued and filed with the Environ-

mental Protection Agency on April 11, 1978, pursuant to the Department of Energy's (DOE) implementation of the National Environmental Policy Act of 1969. The statement was prepared to support administrative action related to the DOE's proposed storage of 24 million barrels of crude oil at the Sulphur Mines Salt Dome. The draft of this final statement was issued by the Federal Energy Administration (FEA) as FEA-DES 77-6 in September 1977. The responsibility and functions of FEA were assumed by DOE as of October 1, 1977.

The statement assesses the potential environmental impacts of the (1) construction of 17 miles of pipeline to connect the Louisiana storage site with anothe pipeline currently under construction, (2) transportation of the oil from the terminal at Nederland, Tex., via the entire 51.4 mile pipeline network to the storage site, and (3) construction and operation of storage facilities at the storage site.

Copies of the final Environmental Impact Statement are available for public inspection at the DOE public document room located at: Library, Room 1223, Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545.

Copies of the final statement have been furnished to those who commented on the draft statement as well as other agencies and individuals who have requested copies. Copies are also available for public inspection at designated Federal Depository Libraries. A limited number of single copies are available for distribution by contacting the Chief, Environmental Planning and Assessment Branch, Strategic Petroleum Reserve Office, 1726 M Street NW., Washington, D.C. 20461, or the Technical Information Center, P.O. Box 62, Oak Ridge, Tenn. 37830, 615-483-8611, extension 34672. The statement is also available from the National Technical Information Service, Springfield, Va. 22161.

Dated at Washington, D.C., this 18th day of April 1978.

For the Department of Energy.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-10836 Filed 4-20-78; 8:45 am]

[3128-01]

URANIUM ENRICHMENT SERVICES

Termination Charges

The Department of Energy is considering a revision of termination charges applicable to existing fixed-commitment uranium enrichment services contracts, and at the same time establishing termination charges for the new Adjustable, Fixed-Commitment contract. Accordingly, DOE is hereby publishing for comment a notice which would supersede the previous notice entitled, "Uranium Enrichment Services: Termination Charges," as published in the FEDERAL REGISTER on December 23, 1977 (42 FR 64400).

All interested parties who desire to submit written comments should send them to Mr. William R. Voigt, Jr., Director, Division of Uranium Resources and Enrichment, Department of Energy, Washington, D.C. 20545, by May 22, 1978. Comments received after that date will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Answers to questions concerning the notice can be obtained by writing to Mr. Voigt at the above address or by calling Mr. Donald E. Saire at 301-353-5098.

Termination charges in this notice refer to the charges for termination of uranium enrichment services provided by DOE under any of the above named contracts. Guidelines for the establishment of termination charges are contained in the Uranium Enrichment Services Criteria, as published in the FEDERAL REGISTER on May 9, 1973 (38 FR 12180), and revised on October 25, 1974 (39 FR 38016). The Criteria provide that the termination charges will be based on recovery of the costs which DOE estimates it may incur as a result of termination by customers, and further, that such termination charges shall not exceed the charge for enriching services less that portion of such charge which can be saved by not purchasing the electric power otherwise needed to provide the enriching services which are to be terminated. The Criteria also state that the termination charges may be reviewed from time to time, and revised if the estimated costs arising from terminations are found to differ significantly from the established charges.

All tables of termination charges which have been published previously in the FEDERAL REGISTER have assumed that, in the event of a termination, DOE would reduce diffusion plant power and thereby reduce production by an amount equal to the enrichment services terminated. This course of action might become necessary if a significant fraction of all DOE enrichment customers were to terminate their contracts. However, in the event of a relatively small number of terminations, it is unlikely that DOE would elect to reduce electric power range, since DOE has long-term contracts with power suppliers which would require payment of a demand charge for power not taken if cancelled on short notice. If the number of terminations is not large, and if it is likely that new customers cn be found to replace those who may be terminating, DOE would elect to continue to purchase power as agreed and produce enriched uranium in excess of the then-current delivery schedules. The surplus enriched uranium could be used in later years to supply new toll enrichment customers. Under this case, DOE would recover the Government's costs if the termination charge to be paid by the terminating customer were calculated such that DOE would be compensated for having to hold material in inventory and for delay in receipt of payments.

The rationale of a postponed sale to a replacement customer has been adopted for the purposes of estimating probable costs to DOE arising from terminations, and is the basis for the figures in the table in paragraph 10 of this notice. It is assumed that a limited number of replacement sales will be possible which will entail SWU deliveries as early as fiscal year 1988. For purposes of assessing termination charges, it will be assumed that the lag between notice of termination and making delivery to a replacement customer will be five years if DOE receives notice of termination in fiscal year 1983 or thereafter. For those instances where notice of termination is received prior to fiscal year 1983, DOE will assume that SWU deliveries to replacement customers will be made in fiscal year 1988. These assumptions are subject to change if experience so indicates.

The table in paragraph 10 presumes that the number of terminations at any time will be small and that DOE will not be forced to reduce power usage at its enrichment plants. However, in the event of a large number of terminations, DOE may elect to reduce power purchases. In this event, DOE may reestimate termination charges upon the basis of reducing power and place such charges in effect by a notice published in the FEDERAL REGISTER.

The table in paragraph 10 has been calculated on the assumption that the termination of the contract is effective upon the receipt by DOE of the notice of termination and that the customer would pay the termination charges promptly. For this reason the termination charges include a discount factor to adjust the charges for the fact that DOE is receiving revenue earlier than it would if the contract were continued in force. The uranium enrichment contracts allow the customer to make the termination effective on a date later than the date notice is received. If the customer elects to avail itself of this right, the termination charges derived from the table in paragraph 10 will be adjusted upward as provided in paragraph 9, and become due on the effective date of termination.

The specifics of the proposed termination charges are set forth in paragraphs numbered 1 to 11 of this notice. The review of DOE's existing

termination charges for uranium enrichment contracts was conducted in conjunction with a review of proposals to provide relief to holders of existing long-term, fixed-commitment contracts whose reactors have been cancelled or delayed or who have encountered other problems which have stretched out their requirements for nuclear fuel.

As a result of the combined reviews it was determined that no special contract relief should be granted to terminating customers and that no relief beyond conversion to an Adjustable, Fixed-Commitment contract should be afforded to customers wishing to delay deliveries of enrichment services. Termination charges for both classes of existing customers would, of course, be computed on the basis of the proposed revision in termination charges from and after the date the proposed revision is adopted. Customers who convert from a Long-Term, Fixed-Commitment (LTFC) contract to an Adjustable, Fixed-Commitment contract would retain the existing LTFC enrichment services delivery schedule, if such schedule has been agreed to, or such customers would retain an estimated 10 year delivery schedule if the LTFC Appendix A has not been agreed to, solely for the purpose of computing the charges to be paid in the event of a later termination of the Adjustable, Fixed-Commitment contract.

1. The termination charge applicable to termination, in whole, by the Customer or DOE of a Long-Term, Fixed-Commitment Agreement Including First Core prior to receipt of the construction permit from the Nuclear Regulatory Commission in the case of domestic Customers (or comparable authorization in the case of an agreement entered into pursuant to an agreement for cooperation with a foreign nation), for the facility designated therein or subsequent to receipt of such permit or authorization but prior to the time the Customer is required to agree upon an Appendix A to the Agreement shall be advance payment amounts already paid by the Customer at the time of such termination plus any advance payment installment for which payment is due and outstanding.

2. The termination charge applicable to termination, in part, by the Customer of a Long-Term, Fixed-Commitment Agreement Including First Core resulting from the rated MWe of the designated facility being less than the lower limit of the gross MWe range specified in Article II of such Agreement shall be the termination charge prescribed by the provisions of such Agreement which is incorporated herein by reference.

3. The termination charge applicable to termination, in part, (other than a partial termination resulting from the rated MWe of the designated facility being less than the lower limit of the gross MWe range specified in Article II of such Agreement), by the Customer or by DOE of a Long-Term, Fixed-Commitment Agreement Including First Core prior to receipt of the construction permit from the Nuclear Regulatory Commission in the case of domestic Customers (or comparable authorization in the case of an agreement for cooperation with a foreign nation), for the facility designated therein or subsequent to receipt of such permit or authorization but prior to the time the Customer is required to agree upon an Appendix A to the Agreement shall be determined by applying to the terminated enriching services a unit charge or charges as provided in the table in paragraph 10 (as adjusted by the provisions of paragraph 9, if applicable); provided, however, that in the event that notice of a termination in part is received at least five years prior to the first scheduled delivery the termination charge will be not less than a minimum amount computed as follows: M=SP/3F
where

M=minimum termination charge
S=the number of separative work units terminated
F=the number of separative work units estimated to be required for the first core
P=the sum of the advance payments already paid plus any advance payment installment for which payment is due and outstanding.

4. The termination charge applicable to termination, in whole or in part, (other than a partial termination resulting from the rated MWe of the designated facility being less than the lower limit of the gross MWe range specified in Article II of such Agreement), by the Customer or DOE of a Long-Term, Fixed-Commitment Agreement Including First Core subsequent to the receipt of a construction permit and subsequent to the time the Customer is required to agree to an Appendix A to the Agreement for the facility designated therein and the termination charge applicable to termination, in whole or in part, by the Customer or DOE of a Long-Term, Fixed-Commitment Agreement Excluding First Core or a Short-Term, Fixed-Commitment Agreement shall be determined by applying to the terminated enriching services a unit charge or charges as provided in the table in paragraph 10 (as adjusted by the provisions of paragraph 9, if applicable); provided, however, that in the event that notice of a termination in whole or in part is received at least five years prior to the first scheduled delivery the termination charge will be not less than a minimum amount computed as follows: M=SP/3F
where

M=minimum termination charge
S=the number of separative work units terminated
F=the number of separative work units scheduled for delivery in the first core
P=the sum of the advance payments already paid plus any advance payment installment for which payment is due and outstanding.

5. The termination charges applicable to termination, in whole, by the Customer or DOE of an Adjustable, Fixed-Commitment contract prior to the date upon which the Customer and DOE must agree upon appendices shall be advance payment amounts already paid by the Customer at the time of such termination plus any advance payment installment for which payment is due and outstanding.

6. The termination charge applicable to termination, in part, by the Customer of an Adjustable, Fixed-Commitment contract resulting from the rated MWe generating capacity of the designated facility being less than the lower limit of the gross MWe range specified in Article II of such contract shall be the termination charge prescribed by the provisions of such contract which is incorporated herein by reference.

7. The termination charge applicable to termination, in part, (other than a partial termination resulting from the rated MWe of the designated facility being less than the lower limit of the gross MWe range specified in Article II of such Agreement), by the Customer or by DOE of an Adjustable Fixed-Commitment Contract Including First Core prior to the date upon which the customer and DOE must agree upon appendices shall be an amount computed as follows: A=SP/C
where

A=the termination charge
S=the number of separative work units terminated
C=the number of separative work units estimated to be required by the designated facility over the initial five year delivery period
P=the sum of the advance payments already paid plus any advance payment installment for which payment is due and outstanding.

8. The termination charge applicable to termination, in whole or in part, (other than a partial termination resulting from the rated MWe of the designated facility being less than the

lower limit of the gross MWe range specified in Article II of such contract), by the Customer or DOE of an Adjustable, Fixed-Commitment contract subsequent to the date upon which the Customer and DOE must agree upon appendices shall be determined by applying to the terminated enriching services a unit charge or charges as provided in the table in paragraph 10 (as adjusted by the provisions of paragraph 9, if applicable); provided, however, that in the event that notice of a termination in whole or in part is received at least five years prior to the first scheduled delivery the termination charge will be not less than a minimum amount computed as follows: B=SP/C
where

B=the minimum termination charge
S=the number of separative work units terminated
C=the number of separative work units scheduled for delivery during the initial five-year firm delivery period as set forth in Appendix A of the contract
P=the sum of the advance payments already paid plus any advance payment installment for which payment is due and outstanding.

9. If the Customer terminating pursuant to paragraphs 3, 4, or 8 elects to make the termination effective on a date later than the date upon which DOE receives the notice, the applicable termination charges will be arrived at by multiplying the charges derived from paragraph 10 by $1.065,^{n}$ where n is the time stated in years and fractions of years between the date of receipt of the notice and the effective date of termination, and such charge will become due on the effective date of termination.

10. See table below:

TABLE OF TERMINATION CHARGES.—*Termination charge per kilogram unit of separative work terminated, as percentage of applicable enriching services charge* [2]

For advance notice of termination [1]		If notice of termination is received in fiscal year—					
		1978	1979	1980	1981	1982	1983 or later
At least:	But less than:						
0 yr	1 yr	48.5	45.1	41.5	36.5	32.3	27.9
1 yr	2 yr	42.4	39.0	34.2	30.4	26.2	21.8
2 yr	3 yr	36.6	32.2	28.5	24.6	20.5	16.1
3 yr	4 yr	30.2	26.8	23.1	19.3	15.1	10.7
4 yr	5 yr	25.1	21.7	18.1	14.2	10.1	5.7
5 yr	6 yr	20.4	17.0	13.3	9.5	5.3	0
6 yr	7 yr	15.9	12.5	8.9	5.0	0	0
7 yr	8 yr	11.8	8.3	4.7	0	0	0
8 yr	9 yr	7.8	4.4	0	0	0	0
9 yr	10 yr	4.1	0	0	0	0	0
10 yr	11 yr	0	0	0	0	0	0

[1] For purposes of determining when enriching services would have been furnished but for such termination, enriching services scheduled to be delivered on a monthly basis shall be deemed to be scheduled for delivery on the 15th day of such months; and for services scheduled for delivery on a fiscal year basis, they shall be deemed to be scheduled for delivery on Apr. 1 of such fiscal years.

[2] For purposes of determining the applicable enriching service charge per kilogram unit of separative work terminated which have been scheduled for delivery on a monthly basis, such applicable charge shall be the applicable charge scheduled to be effective on the 15th day of such months; and for services scheduled for delivery on a fiscal year basis, such applicable charge shall be the applicable charge scheduled to be effective on Apr. 1 of such fiscal years.

11. Enriching services charges applicable to the terminated enriching services shall be determined in accordance with the established charges for enriching services in effect on the date of receipt of notice of termination; provided, however, that in the event revisions in the standrd table of enriching services and/or revisions in the established charges for enriching services have been announced and are to become effective subsequent to receipt of notice of termination, the kg units of separative work and the enriching services charge applicable to the terminate enriching services which, but for such termination, would have been furnished under this agreement on and after the effective date of such revision shall be determined in accordance with such revised table of enriching services and/or revised charges for enriching services.

Dated: April 18, 1978.

WILLIAM S. HEFFELFINER,
Director of Administration.

[FR Doc. 78-10837 Filed 4-20-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for February 1978

In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for February 1978 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the east coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier crude oil and for imported and Alaska North Slope crude oil included in the crude oil receipts of California refineries provided in § 211.67(a)(4); March 1978 deliveries of crude oil for storage in the strategic petroleum reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for February 1978 is calculated to be 0.229746.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of February 1978, each barrel of old oil is equal to 1 barrel of deemed old oil and each barrel of upper tier crude oil is equal to 0.225118 of a barrel of deemed old oil.

The issuance of entitlements for the month of February 1978 to refiners and other firms is set forth in the appendix to this notice. The appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of February 1978 is hereby fixed at $8.48, which is the exact differential as reported for the month of February between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of February 1978 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of February 1978 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner.

Refiners which have been issued a number of entitlements for the month of February 1978 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through January 1978 pursuant to 10 CFR 211.67(j)(1).

The listing of refiners' old oil receipts contained in the appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Co., et al.*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the February 1978 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its February 1978 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the U.S. Government for storage in the strategic petroleum reserve, the number of barrels sold to the Government totaled 7,746,556 barrels.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the east coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 12,164,371 barrels for February 1978. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 35,977,274 barrels.

In accordance with § 211.67(a)(4), the number of entitlements issued to each refiner with respect to its refineries located in the State of California has been increased by a number of entitlements equal to the number of barrels of California lower tier crude oil included in its adjusted crude receipts multiplied by 0.205189 (the result of dividing $1.74 by the entitlement price for February 1978). The number of entitlements issued to each refiner with respect to its refineries located in the State of California has been decreased by a number of entitlements equal to the number of barrels of imported crude oil and Alaska North Slope crude oil that are included in its adjusted crude oil receipts for the month of February 1978 multiplied by 0.069994 (the aggregate increase in entitlement issuances for California lower tier crude oil divided by the total number of barrels of imported crude oil and Alaska North Slope crude oil included in the adjusted crude oil receipts for February 1978 for all refiners with respect to refineries located in the State of California). Pursuant to § 211.67(a)(4), the number of barrels of California lower tier crude oil, imported crude oil and Alaska North Slope crude oil reported by refiners as to their adjusted crude oil receipts with respect to refineries located in the State of California were as follows:

California lower tier crude oil	7,528,516
Alaska North Slope crude oil	9,382,426
Imported crude oil	12,687,449

The total number of entitlements required to be purchased and sold under this notice is 19,960,137.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for February 1978, the pricing composition and weighted average costs thereof are as follows:

Category	Volumes	Weighted average cost	Percent of total volumes*
Lower tier	91,243,782	$5.72	21.1
Upper tier	79,939,223	12.29	18.5
Exempt domestic:			
Alaskan	20,074,707	13.56	4.7
Stripper	30,673,110	14.49	7.1
Naval petroleum reserve	2,625,424	12.87	.6
Total domestic	224,556,246	10.04	52.0
Imported	206,876,938	14.49	48.0
Total reported crude oil receipts	431,433,184	12.17	100.0

*Numbers may not add due rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for February 1978 must be made by April 30, 1978.

On or prior to May 10, 1978, each firm which is required to purchase or sell entitlements for the month of February 1978 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of February. The monthly transaction report forms for the month of February have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by April 30, 1978, are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to April 30, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed within 30 days following publication of this notice in the FEDERAL REGISTER.

Issued in Washington, D.C., on April 16, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

APPENDIX
ENTITLEMENTS FOR DOMESTIC CRUDE OIL
FEBRUARY 1978

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
-CONSOL'D-SALES	-34,904	0	0	0	0	0	34,904*
A-JOHNSON	0	124,054	0	0	0	0	124,054
ALLIED	78,928	50,699	0	0	0	28,229	0
AMER-PETROFINA	529,137	771,290	0	0	0	0	242,153
AMERADA-HESS	1,806,292	3,401,707	0	193,907	0	0	1,595,415
AMOCO	8,737,431	5,666,653	0	0	0	3,070,778	0
ANSCHUTZ	0	15,106	0	15,106	0	0	15,106
APCO	384,993	376,054	0	0	0	8,939	0
ARCO	4,276,767	4,302,764	0	0	0	0	25,997
ARIZONA	100,380	65,476	7,675	0	0	34,904	0
ASAMERA	143,590	153,497	0	0	0	0	9,907
ASHLAND	1,298,695	2,289,841	0	0	0	0	991,146
ASIATIC	0	281,855	0	281,855	0	0	281,855
BASIN	37,190	125,604	0	0	0	0	88,414
BAYOU	28,696	47,323	0	0	0	0	18,627
BEACON	234,795	239,316	92,019	0	0	0	4,521
BELCHER	0	22,231	0	22,231	0	0	22,231
BI-PETRO	4,139	91,862	0	0	0	0	87,723
BP-TRADING	0	370,177**	0	0	0	0	370,177
BRUIN	33,445	128,273	0	0	0	0	94,828
C&H	0	228	0	0	0	0	228
CALCASIEU	21,554	52,480	0	0	0	0	30,926
CALUMET	23,522	25,879	0	0	0	0	2,357
CANAL	49,731	56,967	0	0	0	0	7,236
CARIBOU	65,767	67,859	0	0	0	0	2,092
CASTLE	0	46,240	0	46,240	0	0	46,240
CENTRAL	0	17,100	0	17,100	0	0	17,100
CHAMPLIN	1,682,744	1,209,261	0	0	0	473,483	0
CHARTER	938,595	901,513	439,412	0	0	37,082	0
CHEVRON	6,072,623	6,075,913	0	4,825	0	0	3,290
CIRILLO	0	51,992	0	51,992	0	0	51,992
CITGO	2,633,788	1,586,418	0	0	0	1,047,370	0
CLAIBORNE	58,551	52,972	0	0	0	5,579	0
CLARK	288,644	813,245	0	0	0	0	524,601

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
COASTAL	328,078	1,430,286**	0	27,652	0	0	1,102,208
COLONIAL	0	62,173	0	62,173	0	0	62,173
CONOCO	2,862,231	2,305,739	0	28,450	0	556,492	0
CORCO	0	915,646	78,296***	136,206	0	0	915,646
CRA-FARMLAND	375,714	381,971	0	0	0	0	6,257
CROSS	49,523	102,749	0	0	0	0	53,226
CROWN	291,729	609,226	0	0	0	0	317,497
CRYSTAL-OIL	189,405	172,588	0	0	0	16,817	0
CRYSTAL-REF	297	38,585	0	0	0	0	38,288
DELTA	216,843	453,310	0	0	0	0	236,467
DEMENNO	80,153	61,789	0	0	0	18,364	0
DERBY	0	32,413**	0	0	0	0	32,413
DIAMOND	482,088	380,956	0	0	0	101,132	0
DILLMAN	0	316	0	0	0	0	316
DORCHESTER	247,843	154,356	0	0	0	93,487	0
DOW	53,758	140,897	0	0	0	0	87,139
E-SEABOARD	0	40,153	0	40,153	0	0	40,153
ECO	21,749	60,796	0	0	0	0	39,047
EDDY	24,806	36,427	0	0	0	0	11,621
ENERGY-COOP	1,258	442,968	0	0	0	0	441,710
ERICKSON	72,647	144,654	0	0	0	0	72,007
EVANGELINE	28,749	25,595	0	0	0	3,154	0
EXXON	9,541,693	8,980,766	0	457,205	0	560,927	0
EZ-SERVE	5,269	34,139	0	0	0	0	28,870
FARMERS-UN	180,244	299,292	0	0	0	0	119,048
FLETCHER	17,401	177,653	0	0	0	0	160,252
FLINT	6,648	9,005	0	0	0	0	2,357
GARY	54,736	65,265	0	0	0	0	10,529
GETTY	811,603	1,213,172	0	0	0	0	401,569
GIANT	50,016	52,223	0	0	0	0	2,207
GLACIER-PARK	90,410	45,148	0	0	0	45,262	0
GLADIEUX	40,585	134,987	0	0	0	0	94,402
GLENROCK	1,691	2,514	0	0	0	0	823
GOLDEN-EAGLE	0	112,342	0	0	0	0	112,342

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
GOLDKING	43,818	75,904	0	0	0	0	32,086
GOOD-HOPE	40,672	280,310	0	0	0	0	239,638
GUAM	0	285,857	0	0	0	0	285,857
GULF	8,141,911	5,426,617	0	33,549	0	2,715,294	0
GULF-STS	56,259	128,338	0	0	0	0	72,079
HIRI	0	462,751	0	0	0	0	462,751
HOWARD	0	86,061	0	86,061	0	0	86,061
HOWELL	565,442	286,603	0	0	0	278,839	0
HUDSON-OIL	18,688	196,314	0	0	0	0	177,626
HUNT	238,205	281,068	0	0	0	0	42,863
HUSKY	475,446	475,446	141,367	0	0	0	0****
INDEPENDENT-REF	15,737	129,751	0	0	0	0	114,014
INDIANA-FARM	40,087	203,586	0	0	0	0	163,499
INDUST-FUEL	0	24,250	0	0	0	0	24,250
INGER-OIL	0	-1,148	0	0	0	1,148	0
J&W	64,710	64,232	0	0	0	478	0
KENCO	16,106	21,858	0	0	0	0	5,752
KENTUCKY	15,264	17,639	0	0	0	0	2,375
KERN	279,962	357,756	161,076	0	0	0	77,794
KERR-MCGEE	1,058,446	910,712	0	0	0	147,734	0
KOCH	359,193	746,553	0	0	0	0	387,360
LAGLORIA	387,987	292,788	0	0	0	95,199	0
LAKESIDE	26,118	47,193	0	0	0	0	21,075
LAKETON	128,699	128,033	17,387	0	0	666	0
LITTLE-AMER	1,101,410	1,061,953	550,593	0	0	39,457	0
LOUISIANA-LAND	212,694	298,651	0	0	0	0	85,957
MACMILLAN	39,002	128,014	0	0	0	0	89,012
MARATHON	2,803,227	3,164,454	0	0	0	0	361,227
MARION	30,992	204,366	0	0	0	0	173,374
METROPOLITAN	0	110,756	0	110,756	0	0	110,756
MID-AMER	870	35,480	0	0	0	0	34,610
MID-TEX	1,815	9,651	0	0	0	0	7,836
MOBIL	6,050,060	4,729,681	0	19,824	0	1,320,379	0
MOBILE-BAY	0	131,537	0	0	0	0	131,537

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
MOHAWK	371,011	355,443	95,464	0	0	15,568	0
MONUCO	0	26,825	0	26,825	0	0	26,825
MONSANTO	354,539	297,471	0	0	0	57,068	0
MORRISON	17,483	11,295	0	0	0	6,188	0
MOUNTAINEER	9,107	9,204	0	0	0	0	97
MT-AIRY	28,050	128,858	0	0	0	0	100,808
MURPHY	729,162	727,549	0	0	0	1,613	0
N-AMER-PETRO	22,297	125,741	0	0	0	0	103,444
NATL-COOP	267,745	372,681	0	0	0	0	104,936
NAVAJO	359,339	343,308	72,408	0	0	16,031	0
NEVADA	10,819	25,859	0	0	0	0	15,040
NEW-EDGINGTON	488,123	543,742	215,765	0	0	0	55,619
NEW-ENGL-PETRO	0	448,489	0	448,489	0	0	448,489
NEWHALL	133,367	176,513	47,262	0	0	0	43,146
NORTHEAST-PETRO	0	13,742	0	13,742	0	0	13,742
NORTHLAND	45,768	45,768	24,781	0	0	0	0
NORTHVILLE	0	20,732	0	20,732	0	0	20,732
OKC	191,862	213,137	0	0	0	0	21,275
OXNARD	2,080	2,918	0	0	0	0	838
PENNZOIL	406,725	346,555	0	0	0	60,170	0
PESTER	174,078	218,270	0	0	0	0	44,192
PHILLIPS	2,733,940	1,636,922	0	0	0	1,097,018	0
PHILLIPS-PR	0	159,171	0	159,171	0	0	159,171
PIONEER	38,398	55,815	0	0	0	0	17,417
PLACID	220,403	283,255	0	0	0	0	62,852
PLATEAU	69,412	80,643	0	0	0	0	11,231
POWERINE	361,648	373,451	0	0	0	0	11,803
PRIDE	116,548	155,804	0	0	0	0	39,256
PRINCETON	2,601	59,554	0	0	0	0	56,953
QUAKER-ST	38,360	194,688	0	0	0	0	156,328
RANCHO-REF	8,421	9,153	0	0	0	0	732
RAYMAL	0	12,186	0	0	0	0	12,186
RICHARDS	433	84,791	0	0	0	0	84,358
ROAD-OIL	0	580	0	0	0	0	580

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
ROCK-ISLAND	203,191	311,113	-17,064	0	0	0	107,922
SABER-TEX	16,037	181,376	0	0	0	0	165,339
SABRE-CAL	-18,867	49,993	0	0	0	0	68,860
SAGE-CREEK	2,230	3,174	0	0	0	0	944
SAN-JOAQUIN	206,103	253,245	84,537	0	0	0	47,142
SEMINOLE	12,954	59,334	0	0	0	0	46,380
SENTRY	7,918	103,165	0	0	0	0	95,247
SHELL	8,377,342	5,913,495	0	13,641	0	2,463,847	0
SHEPHERD	-4,293	15	0	0	0	0	4,308
SIGMOR	9,173	108,473	0	0	0	0	99,300
SO-HAMPTON	41,308	128,736	0	0	0	0	87,428
SOHIO	1,284,435	2,491,631	0	0	0	0	1,207,196
SOMERSET	41,957	48,217	0	0	0	0	6,260
SOUND	0	86,450	0	0	0	0	86,450
SOUTHERN-UNION	201,470	259,321	0	0	0	0	57,851
SOUTHLAND	345,006	283,075	99,960	0	0	61,931	0
SOUTHWESTERN	5,555	5,555	680	0	0	0	0
SPRAGUE	0	66,742	0	66,742	0	0	66,742
SUNLAND	258	94,484	0	0	0	0	94,226
SUNOCO	3,704,347	3,180,918	0	0	0	523,429	0
SWANN	0	20,507	0	20,507	0	0	20,507
TENNECO	660,549	619,806	0	0	0	40,743	0
TESORO	740,726	500,771	0	0	0	239,955	0
TEXACO	8,185,514	7,003,666	0	324,010	0	1,181,848	0
TEXAS-AMERICAN	30,012	85,334	0	0	0	0	55,322
TEXAS-ASPH	652	31,386	0	0	0	0	30,734****
TEXAS-CITY	687,185	541,214	0	0	0	145,971	0
THAGARD	124,167	153,276	64,853	0	0	0	29,109
THRIFTWAY	25,684	36,734	0	0	0	0	11,050
THUNDERBIRD	86,711	98,445	0	0	0	0	11,734
TIPPERARY	75,165	70,268	0	0	0	4,897	0
TONKAWA	19,090	51,175	0	0	0	0	32,085
TOSCO	1,890,064	1,301,611	0	0	0	588,393	0
TOTAL-PETROLEUM	140,357	281,624	0	0	0	0	141,267

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
UCC-CARIBE	0	90,313	0	90,313	0	0	90,313
UNION-OIL	3,831,714	2,635,552	0	0	0	1,196,162	0
UNION-PETRO	0	6,621	0	6,621	0	0	6,621
UNTD-IND	7,759	4,495	0	0	0	3,264	0
UNTD-REF	85,503	361,895	0	0	0	0	276,392
US&SU-AMER	430,426	1,223,169**	0	0	0	0	792,743
US-OIL	16,469	131,454	0	0	0	0	114,985
USA-PETRUCHEM	104,351	151,971	0	0	0	0	47,620
VICKERS	156,071	309,967	0	0	0	0	153,896
VULCAN	13,790	160,455	0	0	0	0	146,665
WALLER	0	6,892	0	6,892	0	0	6,892
WARRIOR	43,232	45,064	14,527	0	0	0	1,832
WEST-COAST	50,825	110,928	0	0	0	0	60,103
WESTERN	70,822	91,095	0	0	0	0	20,273
WINSTON	99,324	143,971	0	0	0	0	44,647
WIREBACK	0	768	0	0	0	0	768
WITCO	45,374	152,929	0	0	0	0	107,555
WYATT	0	32,413	0	32,413	0	0	32,413
WYOMING	26,707	81,318	0	0	0	0	54,611
YETTER	0	513	0	0	0	0	513
YOUNG	71,360	61,278	26,785	0	0	10,082	0
TOTAL	107,192,466	107,192,466	2,217,783	2,865,383	0	19,960,137	19,960,137

* Equals February 1978 entitlement purchase requirement of Arizona Fuels. See discussion in Notice.

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

*** Authorization to sell these entitlements is subject to conditions set forth in a DOE Decision and Order issued to Commonwealth Oil and Refining Company on March 20, 1978.

**** This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in Husky Oil Co. v. DOE, et al., Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978).

***** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 78-10802 Filed 4-18-78; 10:14 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RI77-120]

AMERICAN PETROFINA COMPANY OF TEXAS

Order Granting Petition for Special Relief and Permitting Intervention

APRIL 12, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——: *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On August 29, 1977, American Petrofina Company of Texas (Petrofina) filed a petition for special relief pursuant to § 2.76 of the Commission's[1] Statements of General Policy and Interpretations for the sale of 50 percent of the natural gas[2] from Well No. 1. State lease 2833 Lake Palourde Field, St. Martin Parish, La., to Texas Gas Transmission Corp. (Texas Gas). Subsequently, Petrofina filed an amended petition for special relief on January 6, 1978.

Petrofina is selling this gas under its FERC Gas Rate Schedule No. 85 pursuant to a certificate issued in Docket No. CI66-1070. The present authorized rate for Petrofina's sale is 29.325 cents per Mcf at 15.025 psia.

Notice of Petrofina's petition for special relief was issued by the Commission on September 8, 1977; notice of the amended petition was issued on January 18, 1978. Both notices were published in the FEDERAL REGISTER. Texas Gas filed a timely petition to intervene in the original petition for special relief.

THE PROPOSAL

In their amended petition for special relief, Petrofina requests a rate of 85.89 cents per Mcf at 15.025 psia[3] for the sale of this gas. Petrofina proposes to spend 213,000[4] to rework Well No. 1 which is not producing due to badly corroded tubing and leaky casing. With the proposed workover, production of an estimated 1,000,000 Mcf is estimated over the next three and two-thirds years. Due to the estimated workover expenses, Petrofina states that the higher rate is necessary for continued deliveries of the gas to Texas Gas. In a letter dated June 14, 1977, Texas Gas stated that it was willing to amend the pricing provision of the November 20, 1958 contract to a price found to be just and reasonable by the Commission.

COST STUDY ANALYSIS

On the basis of the filed data, Staff has determined that there is no remaining book investment. Staff accepts as reasonable the estimated future operating expense of $207,699. Staff allows a plugging and abandonment cost of $14,117 based on an allocation of estimated costs to total production; these estimates are higher than usual since this project is located in the center of the secondary water supply for Morgan City, La.

Staff's cost study using the above costs, related salvage value, and estimated reserves, indicates that a total rate of 85.89 cents per Mcf at 15.025 psia will allow Petrofina to recoup all costs associated with this project, including a 15 percent rate of return. Therefore, Staff concludes that the requested rate for special relief is cost supported.[5]

After reviewing the costs to be incurred and the reserves to be recovered, the Commission determines that Petrofina's petition for special relief is warranted and that it is in the public interest to grant this petition.

The Commission finds. The petition for speical relief filed by Petrofina meets the criteria set forth in section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders. (A) The amended petition for special relief filed by Petrofina is granted.

(B) Petrofina is authorized to collect 85.89 cents per Mcf at 15.025 psia for the sale of gas to Texas Gas from Well No. 1, State lease 2833, Lake Palourde Field, St. Martin Parish, La., effective upon either the date of issuance of this order or the date the proposed work is completed, whichever is later.

(C) This authorization is conditioned on the following: (1) Petrofina must file within thirty days of the date of issuance of this order the appropriate rate change filing in accordance with § 154.94 of the Commission's regulations, accompanied by an executed copy of the amended contract agreement providing for the rate increase; (2) within thirty days of the date provided in Ordering Paragraph (B) above for the rate authorized herein, Petrofina must file a statement signed by Texas Gas setting forth the date on which the proposed work has been completed to its satisfaction.

(D) Texas Gas is permitted to intervene in the above-entitled proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene: *And Provided, further,* That the admission of Texas Gas in the manner provided shall not be construed as recognition by the Commission that Texas Gas might be aggrieved because of any order or orders entered in this proceeding, and that Texas Gas agrees to accept the record as it now stands.

By the Commission.

KENNETH F. PLUMB,
Secretary.

American Petrofina Co. of Texas, docket No. RI77-120, Lake Palourde Field, Louisiana

[Unit cost of gas]

Line No. and item (a)	Amount (b)
1. Net working interest volumes:	
2. Gas—M ft³ at 15.025 lb/in²a [1]	250.000

[5] See Appendix A.

[1] Prior to October 1, 1977, "The Commission", refers to the Federal Power Commission; subsequent thereto, it refers to the Federal Energy Regulatory Commission.

[2] Petrofina, Ada Land Co., Gulf Energy and Minerals-U.S., and M & C Oil Co. hold a 50 percent interest in this lease; CNG Producing Co. holds the remaining 50 percent interest in this lease but it is not included in this special relief petition. However, these interests are reduced by a 50 percent royalty composed of 18.23 percent royalty and 31.77 percent overriding royalty not held by Petrofina's immediate predecessor.

[3] In their original petition, Petrofina requested a rate of $1.619810 per Mcf at 14.73 psia for the sale of this gas.

[4] $71,400 of this amount is the cost of the new tubing; $141,700 will be spent in fishing out the faulty tubing, testing, squeeze cementing and casing leaks, and running the new tubing.

American Petrofina Co. of Texas, docket No. RI77-120, Lake Palourde Field, Louisiana—Continued

[Unit cost of gas]

Line No. and item (a)	Amount (b)
3. Condensate—barrels[2]	6,147
4. Cost of production:	
5. Return on rate base at 15 pct[3]	$34,742
6. DD&A[4]	$86,227
7. Production expense[5]	$110,908
8. Subtotal	$231,877
9. Allocated to gas[6]	$196,980
10. Regulatory expense[7]	$250
11. Total cost of production	$197,230
12. Unit cost of gas (cents per M ft[3]):	
13. Cost of production[8]	78.89
14. Production tax	7.00
15. Total unit cost	85.89

[1]1,000,000 M ft[3] times 0.25 net working interest (0.5 GWI×0.5 RI).
[2]24,589 barrels times 0.25 net working interest.
[3]Line 12 of sheet 3 times 0.15 times 3 year 8 month project life.
[4]From line 6 of sheet 2.
[5]Based on production expense of $207,699 plus allocated abandonment expense of $14,117 times 0.5 working interest.
[6]Line 8 times line 12 of sheet 2.
[7]Line 2 times 0.1 cents/M ft[3] per opinion No. 749.
[8]Line 11 divided by line 2.

Investment and allocation of costs

Line No. and item (a)	Amount (b)
1. Investment:	
2. Remaining net book	
3. Proposed additional investment	$106,550
4. Total investment	$106,550

Investment and allocation of costs—Continued

Line No. and item (a)	Amount (b)
5. Less salvage value	$20,323
6. Depreciable investment	$86,227
7. Depreciation per unit of production[1]	$0.344908
8. Allocation of costs:[2]	
9. Gas—MM Btu[3]	$281,000
10. Condensate—MM Btu[4]	$49,791
11. Total—MM Btu	$330,791
12. Percentage allocated to gas[5]	84.95

[1]Line 6 divided by 250,000 M ft[3].
[2]Modified Btu method per opinion No. 749.
[3]250,000 M ft[3] times 1.124 MM Btu/M ft[3].
[4]6,147 barrels times 5.4 MM Btu/barrel times 1.5 modifier.
[5]Line 9 divided by line 11.

AMERICAN PETROFINA CO. OF TEXAS

[Docket No. RI77-120]

LAKE PALOURDE FIELD, LA.

[Average investment and annual rate base]

Line No. and year (a)	Annual N.W.I. production (1,000 ft[3]) (b)	Beginning of year investment (c)	Depreciation[1] (d)	End of year investment (e)	Average investment[2] (f)
1. Average investment:					
2. 1977	44,304	$106,550	$15,281	$91,269	[3]$49,455
3. 1978	76,696	91,269	26,453	64,816	78,043
4. 1979	63,912	64,816	22,044	42,772	53,794
5. 1980	57,510	42,772	19,835	22,937	32,855
6. 1981	7,578	22,937	2,614	20,323	[4]3,605
7. Totals	250,000		86,227		217,752
8. Average annual investment[5]					59,387
9. Annual rate base:					
10. Average annual investment					59,387
11. Average annual working capital allowance[6]					3,781
12. Total average annual rate base					63,168

[1]Col. (b) times line 7 of sheet 2.
[2]Col. (c) plus col. (e) divided by 2.
[3]Average investment of $98,910 adjusted for 6 mo.
[4]Average investment of $21,630 adjusted for 2 mo.
[5]Col. (f) of line 7 divided by 3 yr 8 mon project life.
[6].125 times line 7 of sheet 1 divided by 3 yr 8 mo project life.

[FR Doc. 78-10688 Filed 4-20-78; 8:45 am]

[6740-02]

[Docket Nos. CP75-83-2; CP75-140]

WESTERN LNG TERMINAL ASSOCIATES, ET AL. AND PACIFIC ALASKA LNG ASSOCIATES, ET AL.

Availability of Draft Environmental Impact Statement

Notice is hereby given in the above dockets that on April 21, 1978, as required by § 2.82(b) of the Commission's rules of practice and procedures (18 CFR 2.82(b)), a Draft Environmental Impact Statement (DEIS) prepared by the staff of the Federal Energy Regulatory Commission was made available. The DEIS deals with the applications filed by Pacific Alaska LNG Co., Alaska California LNG Co., and Pacific Alaska LNG Associates, in Docket No. CP75-140, for a certificate of public convenience and necessity authorizing, pursuant to section 7(c) of the Natural Gas Act, the construction and operation of facilities to collect and liquefy natural gas; the transportation of liquefied natural gas (LNG) in interstate commerce; and the sale of natural gas to Southern California Gas Co. (SoCal) and Pacific Gas and Electric Co. Natural gas would be purchased from gas fields in the Cook Inlet region of Alaska and transported through a proposed 6- through 24-inch diameter 291.6-mile pipeline network to a proposed LNG plant in the Nikiski industrial complex, 9 miles north of Kenai, Alaska. The proposed LNG plant would consist of two gas liquefication trains, two 550,000-barrel LNG storage tanks, a marine terminal, a construction dock and haul road, and other appurtenant facilities. Two 130,000-cubic meter LNG vessels would be constructed to carry LNG by sea from Nikiski to the Western LNG Terminal Co., Pacific Gas LNG Terminal Co., and Western LNG Terminal Associates' proposed receiving terminal at Point Conception, Calif. The receiving terminal is proposed in Docket No. CP75-83-2. The applicants seek a certificate of public convenience and necessity authorizing, pursuant to sec-

tion 7(c) of the Natural Gas Act, the construction and operation of an LNG terminal facility, which would unload, store, revaporize, and send out LNG delivered by oceangoing tankers to Point Conception from Pacific Alaska LNG Co.'s proposed liquefaction and storage facility near Kenai, Alaska, as well as tankers from the Republic of Indonesia for Pacific Indonesia LNG Co. Western Terminal proposes to construct and operate two 550,000-barrel LNG storage tanks, nine seawater vaporizers, three gas-fired peaking vaporizers, a marine terminal capable of berthing and unloading LNG tankers with a capacity up to 130,000 cubic meters, and other appurtenant facilities. The proposed Point Conception facility would revaporize LNG at an average plant output rate of 900 million cfd with additional peaking capacity of 300 million cfd. Revaporized gas would be transported through a proposed 112.4-mile long, 34-inch diameter pipeline to Gosford, near Bakersfield, where the pipeline would join with existing gas transmission facilities owned and operated by Pacific Gas and Electric Co.

This DEIS has been circulated to Federal, State, and local agencies and all parties to the proceeding. The DEIS has been placed in the public files of the Commission and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and at its regional office located at 555 Battery Street, San Francisco, Calif. 94111. Copies of the DEIS are available in limited quantities from the Commission's Office of Public Information.

Any person who wishes to do so may file comments on the DEIS. All comments must be filed on or before June 5, 1978. Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to §1.8 of the Commission's rules of practice and procedure (18 CFR 1.8). Petitioners must also file timely comments on the DEIS in accordance with 18 CFR 2.82(c). All petitions to intervene must be filed on or before June 5, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-10685 Filed 4-20-78; 8:45 am]

[6740-02]

[Docket No. CI65-95, *et al.*]

AMOCO PRODUCTION CO., ET AL

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 14, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 24, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required therein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI65-95, C, Mar. 31, 1978	Amoco Production Co., Security Life Bldg., Denver, Col. 80202.	El Paso Natural Gas Co., certain acreage in Ute Dome field, San Juan County, N. Mex.	(1)	15.025
CI74-528, C, Apr. 3, 1978	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001..	El Paso Natural Gas Co., J. B. Tubb well No. 150, Sand Hills field, Crane County, Tex.	(2)	14.73
CI75-38, C, Apr. 3, 1978	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., residue gas attributable to Drinkard formation gas-well gas processed in the Eunice gas processing plant operated by Warren Petroleum Co. in Lea County, N. Mex.	(2)	14.73
CI77-462 (CI64-895), B, Apr. 21, 1977.	Phillips Petroleum Co, 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Champlin Petroleum Co., Witcher field, Logan County, Okla.	(3)	.....
CI78-591 (G-9039), B, Mar. 28, 1978.	Estate of George H. Coates, 1910 Milam Bldg., San Antonio, Tex. 78205.	Tennessee Gas Pipeline Co., Tabasco field, Hidalgo County, Tex.	(4)	.....
CI78-593, A, Mar. 29, 1978	Napeco, Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Bell No. 1 well, Panola County, Tex.	(2)	14.65
CI78-594, B, Mar. 15, 1978	Philadelphia Oil Co., 420 Boulevard of the Allies, Pittsburgh, Pa. 15219.	Equitable Gas Co., Greenbrier district, Doddridge County, W. Va.	Ceased to produce casinghead gas, however, this is still an active oil well.	
CI78-596, A, Apr. 3, 1978	Phillips Petroleum Co	Panhandle Eastern Pipe Line Co., Hugoton-Anadarko area, Cimarron County, Okla.	(5)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-597 (G-18947), B, Apr. 3, 1978.	American Petrofina Co. of Texas, (operator), et al., P.O. Box 2159, Dallas, Tex. 75221.	Coastal States Gas Producing Co., Mathis area, San Patricio County, Tex.	Depleted, leases have terminated, plugged and abandoned.	

[1]Applicant is filing under gas sales contract dated June 24, 1964, amended by amendment dated Mar. 1, 1978.
[2]Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
[3]Gas purchase contract dated Dec. 23, 1963, expired Feb. 3, 1973, and was replaced by gas purchase contract dated Oct. 1, 1973. By amendment dated Nov. 1, 1976, Phillips amended the 1973 contract to provide that gas payments thereunder would be based on a percentage-type settlement.
[4]The first lease involved in the sale was acquired by Tennessee on Aug. 1, 1957. The three wells located on the second lease, i.e., the Halstead No. 1, the Semmes No. 1, and the Halstead No. 2 wells were plugged and abandoned in 1960, 1962, and 1967, respectively.
[5]Applicant is willing to accept an initial rate pursuant to opinion No. 749, and is filing under gas purchase and sales agreement dated June 13, 1963, amended by amendments dated July 15, 1963, and Feb. 21, 1978.

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 78-10796 Filed 4-21-78; 8:45 am]

[6740-02]

[Docket Nos. G-13634, et al.]

SUN OIL CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

APRIL 14, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intevene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 24, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1]This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-13634 D Apr. 3, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Northern Natural Gas Co., N.W. Dower Field and Hansford area, Beaver County, Okla., and Hansford, Ochiltree, and Hutchinson Counties, Tex.	Leases reverted back to the land owners and none of the leases were ever productive.	
G-13634 D Apr. 3, 1978	Sun Oil Co	do	Leases expired and have been released back to the lessors, plugged and abandoned.	
CI62-1184 F June 20, 1977	Atlantic Richfield Co. (operator), et al. P.O. Box 2819, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Ida Hollie Unit Well No. 1, LeFlore County, Okla.	[1]	14.65
CI77-236 C July 21, 1977	Atlantic Richfield Co	El Paso Natural Gas Co., certain acreage in the West Clear Lake field, Beaver County, Okla.	[2]	14.65
CI77-826 C Mar. 22, 1978	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., South Marsh Island, block 146, offshore, La.	[2][3]	15.025
CI77-830 C Mar. 22, 1978	Mesa Petroleum Co	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Eugene Island, block 327, offshore, La.	[2][3]	15.025
CI78-65 C Mar. 22, 1978	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., High Island blocks A-330, A-349, offshore, Texas and West Cameron block 612, offshore, La.	[2][3]	14.65, 15.025
CI78-598 B Mar. 30, 1978	Houston Oil & Minerals Corp., 242 The Main Bldg., 1212 Main St., Houston, Tex. 77002.	Columbia Gas Transmission Corp., Calcasieu Pass field, Cameron Parish, La.	Ceased production, lease expired, plugged and abandoned, reserves depleted.	
CI78-599 A Mar. 30, 1978	Applachian Exploration & Development, Inc., P.O. Box 628, Charleston, W. Va. 25322.	Columbia Gas Transmission Corp., from one (1) well, from the surface to a depth of 100 ft below the base of the Berea Sand formation, underlying 195 acres, Cabin Creek District, Kanawha County, W. Va.	[4]	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft[3]	Pressure base
CI78-600 A Mar. 31, 1978	Finadel, Inc. (Successor in interest to American Petrofina Exploration Co.), P.O. Box 2159, Dallas, Tex. 75221.	Transco Gas Supply Co., High Island Block 154 Field, offshore, Tex.	[2]	14.65
CI78-601 B Mar. 31, 1978	David Fasken, 608 First National Bank Bldg., Midland, Tex. 79701.	Panhandle Eastern Pipe Line Co., sec. 15, T27N, R15W, in Woods County, Okla.	Depleted.	
CI78-602 A Mar. 31, 1978	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	El Paso Natural Gas Co., Penasco No. 1 Well, Eddy County, N. Mex.	[4]	14.65
CI78-603 (CI66-783) B Mar. 31, 1978.	David Fasken and Richard S. Brooks by ratification of contract by Joe S. Hill and W. W. Meeker, 608 1st National Bank Bldg., Midland, Tex. 79701.	Transwestern Pipeline Co., Waha (West) Delaware field, Reeves County, Tex.	Depleted.	
CI78-604 A Mar. 31, 1978	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Lusk, North Field, Lea County, N. Mex.	[2]	14.73
CI78-605 B Apr. 2, 1978	D & J Oil Co., P.O. Box 648, Sterling, Colo. 80751.	Kansas Nebraska National Gas Co., Logan County, Colo.	Plugged and abandoned in 1972.	
CI78-606 A Apr. 2, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., certain acreage in the Millman area, Eddy County, N. Mex.	[2]	14.65
CI78-607 A Apr. 3, 1978	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Michigan Wisconsin Pipe Line Co., High Island area, blocks 302, 303, 318, and 319, east addition-south extension, Federal offshore, Tex.	[2]	14.73
CI78-608 A Apr. 3, 1978	Mobil Oil Corp	El Paso Natural Gas Co., High Island area, blocks 334 and 335, east addition-south extension, Federal offshore, Tex.	[2]	14.73
CI78-609 (CI70-552) B Apr. 3, 1978.	Imperial-American Energy, Inc. (successor to Imperial-American Resources Fund, Inc.), Box 6464, Moore, Okla. 73160.	Mountain Fuel Resources, Inc. (successor to Cascade Natural Gas Corp.), Winter Valley Field, Moffat County, Colo.	Depleted, plugged and abandoned.	
CI78-610 (CI71-139) B Apr. 3, 1978.	Imperial-American Energy, Inc. (successor to Imperial-American Resources Fund, Inc.).	Panhandle Eastern Pipe Line Co., Taloga South Dewey County, Okla.	Do.	
CI78-611 B Apr. 3, 1978	Lario Oil & Gas Co., 818 8th St. NW., Washington, D.C. 20006.	Arkansas-Louisiana Gas Co., Paul's Valley Field, Garvin County, Okla.	[5]	

[1]Applicant acquired acreage by Farmout Agreement of Dec. 27, 1976 from Southwest Oil Industries, Inc.
[2]Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[3]Mesa proposes to commit gas which it previously reserved for its own use.
[4]Applicant is filing under Gas Purchase Agreement dated Mar. 7, 1978.
[5]The low deliverability of the casinghead gas makes it uneconomical to deliver the gas into the high pressure line of the Arkansas-Louisiana Gas Co.

Filing code:

A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession

[FR Doc. 78-10795 Filed 4-21-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. ER78-249; ER78-252]

APPALACHIAN POWER CO. ET AL.

Order Conditionally Accepting for Filing and Suspending Rate Increase, and Waiving Regulations

APRIL 13, 1978.

On March 13, 1978 American Electric Power Service Corp. (AEP) tendered for filing, on behalf of its affiliates, Appalachian Power Co. (Appalachian), Ohio Power Co. (Ohio), and Wheeling Electric Co. (Wheeling) (collectively called the AEP Parties) an amendment to an existing interconnection agreement among Appalachian, Ohio, Wheeling, and Monongahela Power Co. (Monongahela) and West Penn Power Co. (West Penn) (collectively called the APS Parties), (Docket No. ER78-249).[1] Also on March 13, 1978, AEP tendered for filing, on behalf of Ohio an amendment to the Interconnection Agreement between Ohio and Ohio Edison Co. (Docket No. ER78-252).[2] The proposed amendments provide for the sale of Conservation Energy among the parties to the Ohio Power-Ohio Edison Agreement and provide for third party transactions with nonmembers under both agreements.

According to AEP, the protracted coal miners' work stoppage adversely affected the supply of coal to the parties and thus necessitated the instant filings. AEP requests waiver of the notice requirements pursuant to § 35.11 of the Regulations, so as to permit the filings to become effective as soon as possible.

Notice of the filings was issued on March 17, 1978, with comments due on or before April 3, 1978. No comments were received.

The proposed service schedules provide for the delivery of conservation energy for periods of one or more weeks. The parties shall determine the number of megawatt hours to be sup-

[1]Modification No. 7, dated February 15, 1978 to the Operating Agreement dated June 1, 1971; Appalachian Rate Schedule FPC No. 55, Ohio Rate Schedule FPC No. 73, and Wheeling Rate Schedule FPC No. 5.

[2]Supplement No. 4 to Interconnection Agreement dated January 1, 1952; Ohio Power Co. Rate Schedule FPC No. 25.

plied, the period of supply, the estimated cost, and the source of supply if the supplying party is in turn obtaining it from another system, or the ultimate distribution if a party is arranging for the supply for another system. While the filings were occasioned by fuel shortages due to the coal strike, the proposed agreements for conservation energy would be applicable in any emergency situation involving regional curtailment of a major energy source. The service schedules are to remain in effect until mid-February 1979, unless extended by mutual agreement.

The proposed agreement among the APS–AEP parties provides charges for transmitting conservation energy of 1.75 mills/kWh if the receiving system is that of the AEP parties and 1.7 mills/kWh, plus transmission losses if the receiving system is that of APS parties. No provision is made for direct sales due to the fuel situation of both parties. The proposed rates for conservation energy in the Ohio Power/Ohio Edison Agreement are 110 percent of out-of-pocket replacement cost plus 5 mills/kWh or, for third party transactions, purchase cost to the supplying party plus out-of-pocket cost of transmission losses plus 1.7 mills/kWh.

AEP asserts that various uncertainties concerning potential transfers under the proposed service schedules prevented the submittal of estimates of the transactions or resulting revenues as required by § 35.13(b) of the Commission's regulations. Therefore, AEP requests waiver of the provisions of that section.

The proposed charges and the filed cost support are similar to those filed by the parties for conservation energy transactions in Docket No. ER78-108 and ER78-299.[3] The filings in those dockets were conditionally accepted subject to submission of required cost support data. The data, necessary for the evaluation of the proposed charges, are currently still outstanding. Good cause has been shown to grant the requested waiver of the Commission's filing requirements in these dockets also. However, we shall condition our acceptance of the filings upon submission of the necessary cost support in the above mentioned dockets and compliance with any other Commission Staff requests for additional data that may be required to complete the instant filing.

The proposed revised schedules tendered for filing on March 13, 1978, have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission conditionally accept for filing the schedules tendered by AEP on March 13, 1978, that they be suspended and be permitted to become effective subject to refund, all as hereinafter ordered.

(2) Good cause exists to waive the Commission's notice and filing requirements set out in the Commission's rules and regulations.

The Commission orders: (A) The proposed Schedules filed by AEP on March 13, 1978, and identified above, are hereby conditionally accepted for filing suspended for one day, and the use thereof deferred until March 14, 1978, when they shall become effective, subject to refund; provided that AEP shall file all outstanding cost support data required under Commission order in Docket Nos. ER78-229 and ER78-108, and any other data required to complete the instant filing.

(B) Upon the filing of the cost support data described above, the Commission shall further evaluate the filing and shall set a date for a public hearing, should such procedure be appropriate.

(C) The requirement for notice contained in § 35.3 of the Commission's rules and regulations is waived. The filing requirements not yet complied with are conditionally waived, as described in paragraph (A) above.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-10797 Filed 4-20-78; 8:45 am]

[3]On December 13, 1977, PJM submitted revisions to the PJM Interconnection Agreement with NYPP (ER78-107), APS (ER78-108) and the PJM Interconnection Agreement (ER78-109) providing for the generation and transmission of Conservation Energy. On February 24, 1978, AEP filed, on behalf of I&M and Illinois Power, an amendment to an existing Interconnection Agreement providing for the exchange of Conservation Energy (ER78-229).

[6740-02]

[Docket No. R-478]

JUST AND REASONABLE NATIONAL RATES FOR NATURAL GAS

Refund Report

APRIL 14, 1978.

Take notice that on December 5, 1977, West Texas Gathering Co. (West Texas) filed a refund report in Docket No. R-478. West Texas states that it will make refunds in accordance with Opinion Nos. 749 and 749-C of amounts received from Texaco, Inc. and Continental Oil Co. The refund amount of $1,419,335.45, it is stated, will be paid to El Paso Natural Gas Co.

Any person desiring to be heard or to protest West Texas' refund report should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on or before April 21, 1978. Copies of the report are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-10798 Filed 4-20-78; 8:45 am]

[6450-48]

Southeastern Power Administration

POWER FROM CUMBERLAND BASIN PROJECTS

Intent To Revise Rates and Charges

AGENCY: Southeastern Power Administration, Department of Energy.

ACTION: Proposed rate revision.

SUMMARY: Confirmation and approval of existing schedules of rates and charges applicable to the sale of power from the Cumberland Basin Projects will expire on June 30, 1978. A net increase in rates and charges of approximately 14 to 16 percent is proposed for the five year period ending June 30, 1983. The purpose of this notice is to advise the public that SEPA intends to request the Assistant Secretary for Resource Applications to submit proposed rate schedules reflecting the revised rates and charges on or about May 30, 1978, to the Economic Regulatory Administration for confirmation and approval. It is also the purpose of this notice to invite interested parties to submit written com-

ments, and to offer interested parties the opportunity to make an oral presentation of views at a public meeting.

DATES: Written comments are due on or before May 19, 1978. An opportunity for oral presentation will be provided at Nashville, Tenn., on May 16, 1978.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Ga. 30635.

The opportunity for oral presentation of views will be at 9:30 a.m., May 16, 1978, in Room A-440, U.S. Courthouse, Federal Building Annex, Corner of 9th Avenue South and McGavock, Nashville, Tenn.

FOR FURTHER INFORMATION CONTACT:

Mr. Harry F. Wright, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Ga. 30635, 404-283-3261.

SUPPLEMENTARY INFORMATION: Power from the Cumberland Basin Projects is presently under contract to Big Rivers Electric Corp., Indiana Statewide Rural Electric Cooperative, Inc., Hoosier Energy Division, Southern Illinois Power Cooperative, East Kentucky Power Cooperative, Inc., and Tennessee Valley Authority. Adjustment in rates and charges is required in order to roll in the estimated increased costs resulting from the Wolf Creek Project foundation problems while eliminating the presently existing separate adjustments for such costs and to provide for increased operation and maintenance expenses at the projects, increased marketing costs and increased costs for additions and replacements.

It is proposed that revised rate schedules applicable to TVA and the other customers contain the following unit rates:

TVA RATE SCHEDULE

Basic annual charge	$18,450,000
Retention credits:	
Peaking capacity/yr	$17.88
Peaking energy/kwh (mills)	3.26
Standby capacity:	
Annual charge/year (3 customers)	$11.34
Use charge/day (during November, April, May, June, September and October)	$0.064
Use charge/day (during other months)	$0.099
Standby energy:	
Maintenance energy/kwh (mills)	3.26
Emergency energy/kwh (mills)	5.32
Excess power:	
Per kw	$25.50
Per kwh (mills)	5.32

OTHER CUSTOMERS RATE SCHEDULE

Peaking capacity/kw/yr	$16.80
Peaking energy/kwh (mills)	4.20
Standby capacity/kw/yr	$4.26
Use charge/day (during November, April, May, June, September and October)	$0.064
Use charge/day (during other months)	$0.099
Standby energy:	
Maintenance energy/kwh (mills)	3.26
Emergency energy/kwh (mills)	5.32
Excess power:	
Per kw	$25.50
Per kwh (mills)	5.32

Additional information is available at the headquarters' offices of Southeastern Power Administration.

The public meeting at which oral presentations are received will not be adjudicative in nature. A SEPA designated official will preside, SEPA representatives will give background information and explanations supporting the proposed revised rates and charges and answer questions relevant thereto, and those making oral presentations may be questioned by the presiding official and other participating SEPA representatives. Any further procedural rules needed for the proper conduct of the meeting will be announced prior to the meeting by the presiding official. Public comments and the public meeting record will be available for inspection at the SEPA headquarters' offices in Elberton, Ga., between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Issued in Washington, D.C., April 19, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-11019 Filed 4-20-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 885-5]

CALIFORNIA STATE STANDARDS

Motor Vehicle Pollution Control; Notice of Public Hearing

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 7543(a), provides: "No State or any political subdivision thereof shall adopt or attempt to enforce any standards relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] * * * shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles, or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator cannot grant a waiver if he finds that: (1) The determination of the State is arbitrary and capricious, (2) such State does not need such State standards to meet compelling and extraordinary conditions, or (3) such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act.

The California Air Resources Board (CARB) has notified the Environmental Protection Agency (EPA) that the Board had taken three actions to revise California's new motor vehicle emissions control program. The CARB requested a public hearing to consider and a waiver of Federal preemption for the following three items:

(i) Highway cycle NOx emission standard for 1980 and subsequent model year passenger cars and 1981 and subsequent model year light-duty trucks, and medium-duty vehicles.

(ii) Assembly-line test procedures for 1979 model year passenger cars, light-duty trucks and medium-duty vehicles.

(iii) Tune-up label specifications for 1979 and subsequent model year passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty gasoline-fueled engines and heavy-duty diesel fueled engines and 1982 and subsequent model year motorcycles.

Therefore, I hereby give notice that:

California has submitted a request for a waiver from the prohibitions of section 209(a) for three actions taken by the CARB, and

A public hearing on these matters will be convened at the U.S. Environmental Protection Agency Regional Office (Region IX), Conference Room A-B, Sixth Floor, 215 Fremont Street, San Francisco, Calif. on May 17-18, 1978, commencing at 10 a.m. Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, is designated as the Presiding Officer for this hearing.

The agenda for the public hearing will be as follows: Wednesday (May 17, 1978)—Item (i), Thursday (May 18, 1978)—Items (ii) and (iii).

Any person desiring to make a statement at the hearing or to submit material for the hearing record should file a notice of such intention along with 10 copies of his or her proposed statement (and other relevant material) by May 15, 1978, with the Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. In addition, if feasible, 25 copies of such statement or material for the hearing record should be submitted to the Presiding Officer at the time of the public hearing.

(i) Sections 1960(a) and 1960(b), Title 13, California Administrative

Code and "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," as amended April 10, 1978.

(ii) Section 2057, of Title 13, California Administrative Code and "California Assembly Line Test Procedures for 1979 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," dated December 19, 1977, and adopted February 16, 1978.

(iii) Section 1965, Title 13, California Administrative Code and "California Motor Vehicle Tune-Up Label Specifications," adopted March 1, 1978; sections 1956.5(b), 1959.5(b), 1960(b), 1965.5, 1966, and 1967, Title 13, California Administrative Code and all standards and test procedures incorporated by reference therein, as amended March 1, 1978.

A copy of the above-described material is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the California standards and test procedures are available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95812.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be subject to cross examination. The Presiding Officer is authorized to strike from the record statements which he deems irrelevant or needly repetitious and to impose reasonable limits on the duration of the statement of any witness.

Presentation by the participants should be limited to the following considerations:

(1) Whether the public health and welfare determination of California is arbitrary and capricious;

(2) Whether California needs such standards to meet compelling and extraordinary conditions; and

(3) Whether California's standards and accompanying enforcement procedures are consistent with section 202(a) of the Act, in particular with respect to technological feasibility in the lead time remaining, giving appropriate consideration to the cost of compliance within such period.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the hearing record.

A verbatim record of the proceeding will be made. A copy of the transcript can be requested from the reporter during the hearing and will be made at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken with respect to the waiver of the prohibition of section 209(a) for the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information not presented at the public hearing may also be considered. This information will be available for public inspection prior to the Administrator's determination on this matter.

Dated: April 17, 1978.

MARVIN B. DURNING,
Assistant Administrator for Enforcement (EN-329).

[FR Doc. 78-10768 Filed 4-20-78; 8:45 am]

[6560-01]

[FRL 885-7]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE MEETING

Open Meeting

As required by Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 9 a.m., May 8-9, 1978, in Room 1101, West Tower, U.S. Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C.

This meeting is a regularly scheduled meeting of the Committee. The Committee will be discussing anticipatory research, radiation risk assessment, strategic analysis, a discussion by committee chairman of Research Laboratories and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend or obtain additional information should contact Dr. Richard M. Dowd, Executive Secretary, Executive Committee, Science Advisory Board, 202-755-0263, by close of business May 4, 1978.

Dated: April 17, 1978.

RICHARD M. DOWD,
Staff Director, Science Advisory Board.

[FR Doc. 78-10769 Filed 4-20-78; 8:45 am]

[6560-01]

[FRL 887-7]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from April 10, 1978 through April 14, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review comment on draft environmental impact statements is forty-five (45) days; the date of submission of comment is June 5, 1978. The thirty (30) day period for each final statement begins the day the statement is made available to the Environmental Protection Agency and to commenting parties.

On March 8, 1978, EPA notified the Federal agencies that effective April 17, 1978, there would be a change in the method for computing the 30-day review period for final EIS's. It was proposed that draft and final EIS's review timeframes be computed the same way, i.e., for each EIS received during a given week the timeframe would commence on the Friday of the following week.

However, as the result of objections from two Federal agencies to this procedural change, the April 17, 1978, effective date is postponed indefinitely. Further consideration will be given to making this change as the Council on Environmental Quality proposes and finalizes its regulations implementing Executive Order 11991.

Therefore, EPA will continue to compute the 30-day timeframe for final EIS's from the date the final EIS is made available to EPA and the public.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: April 19, 1978.

WILIAM D. DICKERSON,
Acting Director, Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Final

Upper Rock Creek Unit Plan, Deerlodge N.F., Granite County, Mont., April 13: The

proposed action is the implementation of a revised multiple use plan for the upper Rock Creek Planning Unit of the Philipsburg Ranger District, Deerlodge National Forest. This action divides the 215,666-acre unit into sixteen management areas and provides general and specific guidance for the management of each. Alteration of 44,481 acres of inventoried roadless area and a reduced annual harvest of timber will result. (USDA-FS-R1(09)FES-ADM-77-6). Comments made by: FEA, USDA, EPA, HEW, DOI, DOT, State and local agencies, groups and individuals. (ELR order No. 80357.)

Grande Ronde Planning Unit, Oregon, several counties in Oregon, April 10: Proposed is the allocation of approximately 448,000 acres of Wallowa-Whitman and Umatilla National Forests near the headwaters of the Grande Ronde River to a pattern of land use. Management plans include allocation of lands for wood fiber and forage, Big Game Winter Range, Roadless Recreation Management, and Wilderness. Those adverse effects which are most noticeable will be caused by manipulation of vegetation. USDA-FS-R6-FES(ADM)-76-15. Comments made by: EPA, COE, USDA, DOC, DOI, State and local agencies, groups, individuals, and businesses. (ELR order No. 80347.)

SOIL CONSERVATION SERVICE

Draft

Rural Abandoned Mine Program (RAMP), national, April 14: The Soil Conservation Service proposed to implement policies, procedures and regulations for the Rural Abandoned Mine Program (RAMP). The purpose of this EIS is to evaluate the potential environmental consequences of implementing the program in different ways. This program (RAMP) will help landowners voluntarily develop and apply plans for reclamation, conservation, and development of eligible lands affected by coal mining. It provides cost sharing to landowners through long-term agreements, funded through congressional appropriations from RAMP funds. (ELR order No. 80370.)

South Priceboro Creek, Flood Prevention, Linn County, Oreg., April 13: The proposed project will reduce the time of flooding on 330 acres of cropland accomplished by channel improvements to south Priceboro Creek located in Linn County, Oreg. The measures to be taken include enlargement and improvement of approximately 2 miles of the creek, and a small concrete structure to be built at the upper end of the project to divert irrigation waters. (ELR order No. 80354.)

Final

Grasshopper-Coal Creek Watershed, Atchison, Brown, and Jefferson Counties, Kans., April 14: Proposed is a project for watershed protection and flood prevention (including grade stabilization) in Atchison, Brown, and Jefferson Counties, Kans. The planned works of improvement include conservation land treatment and 39 earthfill grade stabilization structures with storage for sediment and floodwater detention. Adverse effects include the elimination of agricultural use and terrestrial wildlife use on 393 acres; agricultural and terrestrial wildlife uses will be interrupted and reduced on 773 acres by periodic flooding of reservoir retarding areas. USDA-SCS-EIS-WS(ADM)-78-1-F-KS. Comments made by: DOD, DOI, HEW, USDA, EPA, State and local agencies. (ELR order No. 80366.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft supplement

Obion Creek Project (S-1), several counties in Kentucky, April 13: This supplemental EIS updates a final EIS filed with EPA in January 1978. The purpose of this supplement is to take into consideration the deposition of materials in the wetlands along Obion Creek located in Kentucky. The original project would have resulted in excavated fill material being deposited in 304 acres of wetlands which would have resulted in dryland after construction was completed. The project has been modified to realign channel improvements to avoid wetlands and to also haul excavated material outside wetland areas. These measures would eliminate permanent disposal in 119 wetland areas. (Memphis district.) (ELR order No. 80363.)

Harry S. Truman Dam and Reservoir, Operation (S-1), Missouri, April 14: This statement supplements and EIS filed with CEQ in February 1973 on the Harry S. Truman dam and reservoir on the Osage River. The Corps proposes to construct a 2.6 mile long levee to protect approximately 380 acres of land from periodic inundation due to power releases from the dam. The levee would be located immediately downstream from the Truman outlet channel and across the Osage River from Warsaw, Mo. The project also proposes to relocate the water oriented recreation facility. (Kansas City district.) (ELR order No. 80367.)

DEPARTMENT OF ENERGY

Mr. Robert Stern, Department of Energy, 1200 Pennsylvania Avenue NW., Rm. 7119, Washington, D.C. 20461, 202-566-9760.

Final

Sulfur Mines Salt Dome—SPR, Calcasieu County, La., April 11: Proposed is the storage of 24 million barrels of crude oil at the Sulphur Mines salt dome located in Calcasieu Parish, La. Sulphur Mines is a candidate site for the strategic petroleum reserve (SPR) program currently being implemented by the Federal Energy Administration. Adverse effects include decreased air and water quality; soil erosion; and the possibility of oil spills. DOE/EIS-0010. Comments made by: COE, EPA, DOI, HEW, AHP, NRC, State agencies. (ELR order No. 80349.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Joseph McCabe, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0780.

Draft

Solid Waste Disposal Facilities, Classification, April 14: This action prescribes a new set of regulations which set minimum criteria for classifying solid waste disposal facilities according to their probability of causing adverse impacts on health and the environment. Facilities not meeting the criteria are classified as open dumps, are prohibited and must be closed or upgraded according to a State established compliance schedule containing an enforceable sequence of actions leading to compliance. The criteria in these regulations also partially fulfill requirements that EPA develop guidelines for the disposal or utilization of sludge. (ELR order No. 80371.)

Central Florida Phosphate Industry, several counties in Florida, April 11: The Central Florida Phosphate District encompasses an area of approximately 2,000 square miles in Polk, Hillsborough, Manatee, Hardee, and DeSoto Counties, Fla. There are currently 17 potential new source mines in the district. Issuance of new source NPDES permits to each of these mines will probably be determined a major Federal action which will be subject to NEPA review. This EIS is to assess areawide and cumulative effects on the entire area involved and provide the basis for developing site specific environmental impact statements. EPA 904/9-78-006. (ELR order No. 80350.)

Denver Regional Wastewater Facilities, Colorado, April 12: Proposed is the construction, improvement, and/or expansion of the municipal wastewater collection and treatment systems for the Denver region in Colorado. The region includes the following planning areas: South Adams County, Englewood and Littleton, South Lakewood, Cherry Creek and Goldsmith Gulch, Lower South Platte, Clear Creek and Sand Creek, Westminster and Broomfield, Northglen and the Metropolitan Denver Sewage Disposal District No. 1. Adverse impacts include construction site erosion, runoff, and stream channelization. (Region VIII.) EPA-90815-77-001A. (ELR order No. 80353.)

Final

South Kennebec Valley Water Quality Plan, several counties in Maine, April 10: Proposed is the implementation of a two-year area-wide water quality plan for the Southern Kennebec Valley Area in Maine. The planning process is subdivided into the following four major areas: (1) Water quality, (2) Waste reduction, (3) Land use, and (4) Management planning. One of the major goals of the plan is to maintain, or obtain for certain substandard waters, a quality capable of supporting water contact recreation. Waste reduction studies are included and address both point and non-point sources. Impacts vary according to the alternate selected. (Region 1.) Comments made by: DOI, COE, DOT, and local agencies. (ELR order No. 80346.)

Henrico County Wastewater Facilities, Henrico County, Va., April 14: Proposed is construction of a wastewater treatment plant and a system of interceptor sewers to serve Henrico County and parts of Goochland and Hanover Counties, Va. Nine alternatives for wastewater transportation and treatment are considered in the statement. The action will result in habitat destruction, visual impact, and increased odor. (Region III.) Comments made by: EPA, DOI, AHP, HEW, and State and local agencies. (ELR order No. 80364.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Southbridge Subdivision, Houston, Harris County, Tex., April 11: The proposed action is for the Department of Housing and

Urban Development to accept for HUD-FHA home mortgage insurance purposes some 224 acres of land located in the city of Houston, Harris County, Tex. It is proposed that this tract of land be developed into a subdivision composed primarily of single-family dwellings to provide approximately 1,000 units for an expected population of some 3,500 people. HUD-R06-EIS-78-18-D. (ELR order No. 80352.)

Final

Fox Trails Development, Cary, McHenry County, Ill., April 14: Proposed is the provision of FHA mortgage insurance for 1,664 housing units on 375 acres of land. The project is in the southwest edge of the village of Cary in the southeast corner of McHenry County. Adverse effects include pollution from construction activities, disturbance of wildlife habitat, and overcrowding during phase I in school district No. 26. HUD—R05-EIS-77-15(F). Comments made by: DOT, GSA, USDA, EPA, DOI, and State and local agencies, and concerned groups and industry. (ELR order No. 80369.)

Old Mill Park Subdivision, Marion County, Ind., April 13: The proposed action consists of an application for mortgage insurance under section 203(b) of the National Housing Act for the Old Mill Park Subdivision, Indianapolis, Ind., The total development will include single family detached dwellings with 565 lots on 226 acres and no multi-family or commercial lots, construction of the development will result in increases in air and noise pollution and loss of farmland. HUD-R05-EIS-77-03-(F). Comments made by: EPA, DOI, DOT, GSA, and State and local agencies. (ELR order No. 80358.)

SECTION 104(H)

Draft supplement

Dangerous Building Demolition Project, Kansas, April 13: Proposed is a draft supplement to a final EIS filed with CEQ in November 1975, concerning building demolition in Kansas City, Mo. The purpose of this EIS is to encompass a number of procedural and regulatory changes and modifications. Among these actions are new or revised procedures for processing a dangerous building for demolition, emergency demolition, and boarding-up of houses not qualified for demolition, modified rodent control baiting, criteria for identification of dangerous buildings and listing of approved demolition debris landfill sites; update of program statistical data and adoption of program mitigation measures. (ELR order No. 80362.)

Final supplement

Marrero to Lafitte water line, Jefferson County, La., April 13: proposed is a supplement to the final EIS filed with CEQ in November 1977 on the new water line from Marrero to Lafitte in Jefferson Parish, La. This supplement has been prepared to provide specific information requested by EPA's comments on the FEIS. (ELR order No. 80361.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Draft

Big Bend National Park, Master plan, Brewster County, Tex., April 14: Proposed is the master plan for Big Bend National Park located in Brewster County, Tex., which establishes goals for development and administration of park areas. The plan encompasses a land area of 708,118 acres, 533,900 of which is to be designated as wilderness to be included under the National Wilderness Preservation System. Within the remaining 174,518 acres, the plan proposes to continue development of, or upgrading of existing facilities in already established use areas and the park in general. DES-78-10. (ELR order No. 80365.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Draft

LaSalle County Station, Unit Nos. 1 and 2, LaSalle County, Ill., March 13: The proposed action involves the issuance of operating licenses to Commonwealth Edison Co., Chicago, Ill., for the startup and operation of the LaSalle County Station located near the Illinois River in LaSalle County about 35 miles from Joliet, Ill. The facility will employ two boiling-water reactors to produce up to 3,293 megawatts thermal (MWT) per unit. A steam turbine generator will use this heat to provide up to 1,078 megawatts electrical (MWE) of electrical power capacity per unit. The maximum design thermal output of each unit is 3,434 MWT with a corresponding maximum calculated electrical output of 1,124 MWE. (NUREG-0437.) (ELR order No. 80355.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Route 129, Wilmington to Reading, Middlesex County, Mass., April 14: The proposed project is to improve traffic flow in the Wilmington-Reading area, Middlesex County, Mass. The proposed improvement under consideration is a new Route 129 roadway alignment or reconstruction of existing Route 129. It provides for a new artery from Richmond Street, Wilmington, to railroad bridge in Reading. All proposed improvements include completion of the Route 129 to Route I-93 interchange and reconstruction of Route 62 bridge over the B. & M. Railroad FHWA-MASS-EIS-78-01-D. (ELR order No. 80364.)

Pine to Trade Street, Front Street Bypass, Salem, Marion County, Oreg., April 13: The purpose of the proposed project is to divert through traffic around the Salem central business district by building connections at Ferry and Trade Streets and Division Street to Front Street; increasing the capacity of Front Street by relocating existing railroad tracks and widening to six lanes and making traffic improvements on one or more of the alternatives north of Division Street. This project is located in the city of Salem, Marion County, Oreg. FHWA-OR-EIS-78-06-D. (ELR order No. 80356.)

Final

Route 60 (M), Springfield, Greene County, Mo., April 10: Proposed is the construction of 9.5 miles of limited access highway on new location across the southern limits of the Springfield metropolitan area. The four-lane freeway with a 60-foot wide median, interchanges, and separations will extend from Route 60-13 near the town of Brookline, east to the existing interchange of Routes 60 and 65, located in the southeast corner of the city. It will parallel the existing Route M on Republic Street and serve as another link in the Springfield Freeway and Throughfare System, approximately 300 acres of pastureland will be taken from farm production. (Region 7) FHWA-MO-EIS-76-2-F. Comments made by: DOT, EPA, HUD, COE, USDA, HEW, DOI, and State and local agencies and individuals. (ELR order No. 80348.)

Loop 463, Victoria City Bypass, Victoria County, Tex., April 13: Proposed is the development of a north loop around the city of Victoria, Tex. The project begins at the junction of U.S. Highways 59 and 77, southwest of Victoria, then extends north, northeasterly, east and southeasterly, terminating at the junction of the loop 175-Burroughsville Road intersection, east of Victoria. Project length is 14.4 miles, all on new location. Adverse effects include the acquisition of 610 acres of additional right-of-way, and the displacement of 15 families and 3 businesses. FHWA-TEX-EIS-75-13-F. Comments made by: DOT, HEW, COE, USDA, DOI, EPA, and State and local agencies and groups. (ELR order No. 80360.)

Draft supplement

U.S. 52, Snuggs Street to Carolina Avenue, Albermarle, Stanly County, N.C., April 13: This statement supplements a draft EIS filed with CEQ in March 1977. This supplement discusses a new alignment from U.S. 52 south of Snuggs Street to Carolina Avenue, a distance of approximately 1.2 miles. This alignment was suggested at the Corridor Public Hearing held in Albermarle in May 1977. Further study of the new alignment by the division of highways resulted in it being regarded as a viable alternative for this project. Actions required by other Federal Agencies include a section 404 permit and approval of runway-highway clearance. FHWA-NC-EIS-77-04-D(S). (ELR order No. 80359.)

Final supplement

Canandaigua SW Bypass, New York, April 11: Proposed is the construction, on new location, of a 2.2-mile highway which would bypass the central business district of the city of Canandaigua, N.Y. The highway would begin on West Avenue (Route 5/20), 0.6 mil west of the city line in the town of Canandaigua, pass through the southwestern portion of the city and terminate at the intersection of south Main Street and Eastern Boulevard (Route 5/20) within the city. Two 12-foot travel lanes will be provided. A limited number of families and businesses will be relocated. (Region I.) FHWA-NY-EIS-77-02-FS. (ELR order No. 80351.)

[FR Doc. 78-11004 Filed 4-20-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20639]

AMERICAN TELEPHONE & TELEGRAPH CO., ET AL.

Comsat Rate Case Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Grant of an extension of time for filing comments and reply comments in Docket No. 20639 involving the flow through of Comsat rate reductions and refunds.

SUMMARY: RCA Global Communication's request for an extension of the time for filing comments and reply comments in Docket No. 20639 was granted.

DATES: Comments are to be filed by April 17, 1978. Reply comments are due May 1, 1978.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION: Contact Claudia Pabo, Common Carrier Bureau, 202-632-6363.

SUPPLEMENTARY INFORMATION:

Adopted: April 12, 1978.

Released: April 14, 1978.

Order. In the matter of American Telephone and Telegraph Co.; All American Cables and Radio, Inc.; the French Telegraph Cable Co.; Hawaiian Telephone Co.; ITT World Communications, Inc.; RCA Global Communications, Inc.; TRT Telecommunications Corp.; Western Union International, Inc., Docket No. 20639.[1]

1. The Commission's Decision in Docket No. 16070 ordered the Communications Satellite Corp. (Comsat) to reduce its rates for international satellite service. *Communications Satellite Corp.*, 56 FCC 2d 1101 (1975). Comsat does not usually provide service directly to the ultimate consumer. Rather, it serves other carriers, designated as authorized users, which in turn provide service to the public. *Authorized Entities and Authorized Users*, 4 FCC 2d 421 (1966), *reconsideration granted in part and denied in part*, 6 FCC 2d 593 (1967). Accordingly, Docket No. 20639 was instituted to ensure that the ultimate consumer will benefit from Comsat's rate reductions. *American Telephone and Telegraph Co.*, 56 FCC 2d 821 (1975).

2. On March 13, 1978, the Commission adopted an Order revising the procedural schedule in Docket No. 20639. *American Telephone and Telegraph Co.*, Docket No. 20639, FCC 78-192 (released March 15, 1978). Comments concerning the extent and manner of flow through of the Comsat rate reductions and refunds were to be filed by April 5, 1978. Reply comments were due April 17, 1978. The Chief, Common Carrier Bureau acted to extend these filing dates on April 3, 1978 in response to a request for additional time filed by ITT World Communications, Inc. *American Telephone and Telegraph Co.*, Docket No. 20639, Order by the Chief, Common Carrier Bureau (released April 5, 1978). This order established April 12, 1978 as the date for filing comments and April 24, 1978 as the date for filing reply comments.

3. RCA Global Communicatons, Inc. (RCA) requests that the date for filing comments be extended from April 12, 1978 to April 17, 1978. A similar extension of the time for filing reply comments is also requested.[2] Letter to Walter R. Hinchman, Chief, Common Carrier Bureau, Federal Communications Commission, from Donald J. Elardo, General Attorney, RCA Global Communications, Inc., dated April 10, 1978. RCA states that in addition to addressing the question of whether flow through should be required, it wishes "to respond in a meaningful manner to the additional issues posed by the Commission in the March 15 Order, i.e., the extent and manner of flow-through as such might pertain to the escrow amounts and to future rate reductions." RCA contends that "[t]he complexities of these endeavors have been substantial in terms of attempting to forecast the effect of flow-through in various ways and amounts."

*ERR*4. As an example of the difficulties encountered in preparing appropriate comments RCA cities the situation involving the development of comments concerning flow-through to Guam telephone subscribers. RCA states that "it was [their] intention to accomodate flow-through for [their] Guam telephone service in a manner consistent with the way in which the American Telephone and Telegraph Company (AT&T), our correspondent, will achieve flow-through for its telephone service." However, RCA did not learn the outlines of AT&T's flow-through plan until April 5, 1978 and has not yet determined the effect of AT&T's position on their operations.

5. We recognize the complexity of the issues involved in this proceeding and believe that RCA has shown good cause for the requested extension of time. Therefore, we will modify the dates for filing comments in this proceeding. Initial comments will be due April 17, 1978. Reply comments are to be filed by May 1, 1978.

6. *Accordingly, it is ordered,* That RCA's request for extension of time is granted, and that any individual or organization wishing to file comments concerning the extent and manner of flow through of the Comsat rate reductions and refunds shall do so by April 17, 1978.

7. *It is further ordered,* That responses to any such comments are to be filed by May 1, 1978.[3]

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc. 78-10790 Filed 4-20-78; 8:45 am]

[1] See 43 FR 15005, April 10, 1978.

[2] Section 1.46 of the Commission's rules, 47 CFR § 1.46, provides for the filing of motions for extensions of time.

[3] This action is taken by the Chief, Common Carrier Bureau pursuant to the delegation of authority contained in § 0.303(c) of the Commission's rules, 47 CFR 0.303(c). Section 1.45(e) of the Commission's rules, 47 CFR 1.45(e), authorizes ex parte action on requests for extension of time.

[6730-01]

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice of Agreement filed by: George J. Weiner, Esquire, Schmeltzer, Aptaker & Sheppard, P. C., Counselors at Law, Suite 305, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

Revision

Agreement No. 9902-8, among the parties of the Euro-Pacific Joint Service Agreement, previously appeared in the FEDERAL REGISTER of February 7, 1978, Vol. 43, No. 26, page 5065. This amendatory agreement has now been revised to (1) add a new sentence to Article 8, paragraph two, to provide that the 800 TEU limitation on the carriage of containers shall apply to any such containers both loaded and discharged at the ports described in this Article, regardless of the ultimate destination or origin of such containers and (2) delete the third sentence of Article 11(d) pertaining to arbitration proceedings which reads "The name of the accuser need not be disclosed." This agreement as revised, if approved, would supersede all pending modifications presently under investigation in Federal Maritime Commission Docket No. 77-4.

This agreement has been incorporated into Docket No. 77-4 which concerns Agreements Nos. 9902-3, et al. All persons, except present parties to Docket No. 77-4, desiring to comment upon this revision may do so by filing petitions to intervene in this proceeding. However, comments should be restricted to these latest changes and only comments thereon shall be considered.

Dated: April 17, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-10787 Filed 4-20-78; 8:45 am]

[6820-25]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 58]

PROPOSED INTERVENTION IN COMMUNICATIONS RULEMAKING PROCEEDINGS

The Administrator of General Services seeks to intervene in proceedings before state and Federal regulatory commissions involving service and tariff limitations on the use of automatic dialing and recorded announcement devices. The Administrator of General Services represents the interests of executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before May 22, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: April 5, 1978.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc. 78-10774 Filed 4-20-78; 8:45 am]

[6820-24]

[Intervention Notice 59]

OHIO PUBLIC UTILITY COMMISSION AND DAYTON POWER & LIGHT CO.; CASE NO. 78-284-EL-AEM

Proposed Intervention in Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Ohio Public Utility Commission involving an application of Dayton Power & Light Co. for an increase in its tariffed rates for intrastate electric service. The Administrator of General Services represents the interests of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, telephone 202-566-0726, on or before May 22, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).

Dated: April 13, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-10775 Filed 4-20-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice:

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Miscellaneous Internal Drug Products Panel.	May 5, 6, and 7, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. (May 5), Holiday Inn, Chevy Chase, Md. (May 6 and 7).	Open public hearing May 5, 9 to 10 a.m.; open committee discussion May 5, 10 a.m. to 4:30 p.m.; May 6 and 7, 9 a.m. to 4:30 p.m.; Armond M. Welch (Hfd-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before May 2, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
2. Obstetrical and Gynecological Device Classification Panel.	May 8, 9 a.m., room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Lillian Yin, Ph. D. (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7555.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to obstetrical and gynecological devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by April 25, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will review the draft proposed classification regulations.

The panel will review the guidelines for a product development protocol for hysteroscopic sterilization devices.

Committee name	Date, time, and place	Type of meeting and contact person
3. Radioactive Materials and Nuclear Medicine Subcommittee of the Medical Radiation Advisory Committee.	May 8, 10 a.m., room 301, Chapman Bldg., 1901 Chapman Ave., Rockville, Md..	Open public hearing 10 to 11 a.m.; open committee discussion 11 a.m. to 4 p.m.; Norman Telles, M.D. (HFX-4), 12710 Twinbrook Parkway, Rockville, Md. 20852, 301-443-6220.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the use of volunteers in nuclear medicine research study; future of positron imaging in nuclear medicine; and efficacy study and radionuclide dosimetry.

Committee name	Date, time, and place	Type of meeting and contact person
4. Training and Medical Applications Subcommittee of the Medical Radiation Advisory Committee.	May 8, 1 p.m., room T-400, 12710 Twinbrook Parkway, Rockville, Md.	Open public hearing 1 to 2 p.m.; open committee discussion 2 to 6 p.m.; Norman Telles, M.D. (HFX-4), 12710 Twinbrook Parkway, Rockville, Md. 20852, 301-443-6220.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the selection criteria for X-ray examination; quality assurance program in diagnostic radiology; physics and technology training in radiological health; and consumer education in radiological health.

Committee name	Date, time, and place	Type of meeting and contact person
5. Medical Radiation Advisory Committee.	May 9 and 10, 9 a.m., room 416, 12710 Twinbrook Parkway, Rockville, Md.	Open public hearing May 9, 9 to 10 a.m.; open committee discussion May 9, 10 a.m. to 4:30 p.m., May 10, 9 a.m. to 12 m.; Norman Telles, M.D. (HFX-4), 12710 Twinbrook Parkway, Rockville, Md. 20852, 301-443-6220.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of ultrasound; photochemotherapy for psoriasis; nuclear medicine; training and medical applications; beioeffects studies; recommendations/standards activities for mammography, ultrasound, benign disease, and radiation therapy; nuclear medicine and training—medical applications; and CT activities.

Committee name	Date, time and place	Type of meeting and contact person
6. Teratology Subcommittee of the Science Advisory Board.	May 10, 9 a.m., National Center for Toxicological Research, Jefferson, Ariz.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ariz. 72079, 501-541-4528.

General function of the committee. Advices on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the board.

Open committee discussion. Roundtable discussion on teratology program: pharmacokinetics; prenatal induction of hypertension; conventional teratology and test methodology; distribution of uterine blood flow; morphogenesis of malformations; polycyclic hydrocarbon transplacental carcinogenesis; and a morphometric and histochemical study of rats exposed to lead through two generations.

Committee name	Date, time, and place	Type of meeting and contact person
7. Fertility and Maternal Health Drugs Advisory Committee.	May 15, 9 a.m., conference room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; A. T. Gregoire, Ph. D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3490.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of estrogens and breast cancer—a report; intra-uterine contraception and ectopic pregnancy; the use of primates in contraceptive evaluation; and estrogens and progestins in the treatment of the menopause.

Committee name	Date, time, and place	Type of meeting and contact person
8. Radiopharmaceutical Drugs Advisory Committee.	May 15 and 16, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion May 15, 9 a.m. to 1:30 p.m.; open public hearing May 15, 1:30 to 2:30 p.m.; open committee discussion May 15, 2:30 to 4:30 p.m.; May 16, 9 a.m. to 1 p.m.; G. Richard Grove, Ph.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4250.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the report of the Pediatric Nuclear Medicine Subcommittee; future course of action to establish pediatric labeling; Drug Regulation Reform Act—1978; adverse reactions from use of contrast media; Investigational New Drug (IND), New Drug Application (NDA), and Radioactive Drug Review Committee (RDRC) status; and IND and NDA problems.

Committee name	Date, time, and place	Type of meeting and contact person
9. Contraceptives and Other Vaginal Drug Products Panel.	May 19 and 20, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., (May 19), Georgia Room, Holiday Inn, Bethesda, Md., (May 20).	Open public hearing May 19, 9 to 10 a.m.; open committee discussion May 19, 10 a.m. to 4:30 p.m., May 20, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before May 16, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
10. Dental Device Classification Panel.	May 22 and 23, 9 a.m., room 5169, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing May 22, 9 to 10 a.m.; open committee discussion May 22, 10 a.m. to 4 p.m., May 23, 9 a.m. to 4 p.m.; D. Gregory Singleton, D.D.S. (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7536.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to glass bead sterilizers to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by May 1, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will discuss material concerning transitional devices transferred from the Bureau of Drugs. These devices include dental pads, dental cushions, denture repair kits, denture reliner kits, denture adhesives and triphosphate granules for dental bone repair. The panel will begin reviewing the material to determine what further information will be necessary to be provided by manufacturers to complete a premarket approval application for those devices in the Class III category.

Recent data received by the Bureau of Medical Devices concerning glass sterilizers will be discussed.

Committee name	Date, time, and place	Type of meeting and contact person
11. General Hospital and Personal Use Device Classification Panel.	May 22 and 23, 9 a.m., room 425, 8757 Georgia Ave., Silver Spring, Md.	Open public hearing May 22, 9 to 10 a.m.; open committee discussion May 22, 10 a.m. to 4:30 p.m., May 23, 9 a.m. to 4:30 p.m.; William C. Dierksheide, Ph. D. (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the development of test guidelines for infant radiant warmers to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by May 15, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will discuss test guidelines for infant radiant warmers and will classify the following devices: liquid crystal fever indicator; neonatal phototherapy unit; pneumatic fluid injector; general purpose articles; and empty admixture containers.

Committee name	Date, time, and place	Type of meeting and contact person
12. Topical Analgesic Panel...	May 22, 23, and 24, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 22, 9 a.m. to 10 a.m.; open committee discussion May 22, 10 a.m. to 4:30 p.m.; May 23 and 24, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before May 17, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifiying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
13. Aromatic Amines Subcommittee of the Science Advisory Board.	May 26, 9 a.m., National Center for Toxicological Research, Jefferson, Ark.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the board.

Open committee discussion. Roundtable discussion on the aromatic amines carcinogenesis program: Dose-related carcinogenic effects of benzidine; carcinogenic effect of dimethozybenzidine; carcinogenic effect of dichlorobenzidine; infant neonatal and adult dose-response study on benzidine in mice; metabolism of benzidine in vitro; mutagenic potential of selected aromatic amines and their metabolites; the role of *N*-hydroxy arylamines in bladder carcinogenesis; metabolic activation of benzidine derivatives; and ED_{01}.

Committee name	Date, time, and place	Type of meeting and contact person
14. Mutagenesis Subcommittee of the Science Advisory Board.	May 30, 9 a.m., National Center for Toxicological Research, Jefferson, Ark.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the board.

Open committee discussion. Roundtable discussion of dosimetry/pharmacokinetics in mutagenesis; intergrated approach to determination of relative mutagenicity of chemicals; and mutagenesis test methods development.

Committee name	Date, time, and place	Type of meeting and contact person
15. Dentifrices and Dental Care Agents Panel.	May 31, 10 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing/open committee discussion 10 a.m. to 1:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda-open public hearing/open committee discussion. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

This meeting will take the form of a telephone conference.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, D.C., area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Dated: April 12, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-10332 Filed 4-20-78; 8:45 am]

[4110-03]

ADVISORY COMMITTEE

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Allergenic Extracts Panel.....	May 25 and 26, 2 p.m., Room 817, Rockwall Bldg., 11400 Rockville Pike, Rockville, Md.	Open public hearing May 25, 2 to 3 p.m.; open committee discussion May 25, 3 to 9 p.m., May 26, 8 a.m. to 4 p.m.; Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-5455.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Editing of the panel report sections on labeling, combination allergenic extracts, food extracts, alum precipitated allergenic extracts and extracts of miscellaneous inhalant allergens.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: April 13, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-10655 Filed 4-20-78; 8:45 am]

[1505-01]

[Docket No. 77G-0366]

FOOD INGREDIENTS

Opportunity To Submit Unpublished Safety Data

Correction

In FR Doc. 78-8019, appearing at page 12941 in the issue of Tuesday, March 28, 1978, make the following changes:

1. On page 12941, third column, the last date in the second column of the table should read, "June 15, 1978".

2. On page 12942, first column, the fifth from bottom line of the last paragraph should read, "the completion date on the final 23 re-".

3. On page 12942, second column, the first subhead in List I should read, "Piperonal and Related Substances", the fifth and seventh entries under the subhead "Aromatic Hydrocarbons" should read, "4-methylbiphenyl" and "Guainene", and the next to last entry under the subhead, "Aromatic Thiols and Sulfides" should read, "Thiogeraniol".

4. On page 12944, third column, the third entry under the subhead "Undefined Structures (FEMA)" should read, "Fusel oil refined", the third entry under the subhead "Pyrrole and Related Substances" should read, "2,5-Dimethylpyrrole", the 18th entry under the subhead "Sulfur Derivatives of Furans" should read, "2-Methyl-5,-3-, or 6-(furfurylthio)pyrazine", and the first entry under the subhead "Undefined Structures (FDA)" should read, "Beechwood, creosote (*Fagus* spp.)".

5. On page 12946, third column, the last entry under the subhead, "Aliphatic Lactones" should read, "ω-6-Hexadecenlactone" and the next to last entry under the subhead "Alicyclic 'Dicarbonyl' Compounds" should read, "2-Hydroxy-3,5,5-trimethyl-2-cyclohexenone".

6. On page 12949, a footnote reference[1] should appear after the first entry under the heading, "Order No." in the table and a line should be inserted between the last and next to last lines of the table, reading:

Aliphatic Thiol Esters** . . . PB-265-530/AS . . . A03 4.50

[4110-03]

[NADA 37-984V]

MOUNTAIRE FEEDS, INC.

Formica Premixes (Buquinolate Plus Arsanilic Acid); Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document withdraws approval of a new animal drug application (NADA) held by Mountaire Feeds, Inc. providing for use of two premixes containing buquinolate and arsanilic acid to be used in the manufacture of complete chicken feeds. The manufacturer has requested this action.

EFFECTIVE DATE: April 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard A. Mason, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Mountaire Feeds, Inc., 124 East Fifth, P.O. Box 5391, North Little Rock, Ark. 72119, is sponsor of NADA 37-984V that provides for Formica Premix at two concentrations: 3.3 percent buquinolate plus 4.0 percent arsanilic acid and 1.65 percent buquinolate plus 2.0 percent arsanilic acid. The feed prepared from these premixes is indicated as an aid in prevention of coccidiosis caused by *Eimeria tenella, E. necatrix,* and/or *E. acervulina,* for stimulating growth, and improving feed efficiency and pigmentation in broiler chickens. In a letter of October 28, 1977, Mountaire Feeds, Inc., notified the Food and Drug Administration that no premixes are being manufac-

tured or marketed under NADA 37-984V and requested withdrawal of approval of this application.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), the following notice is issued:

In accordance with § 514.115(d) of the animal drug regulations, notice is given that approval of NADA 37-984V and all supplements for Formica Premixes is withdrawn, effective April 21, 1978.

Dated: April 14, 1978.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc. 78-10791 Filed 4-20-78; 8:45 am]

[4110-03]

[Docket No. 78N-0031]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces an opportunity for public hearing on certain manganous salts and certain silicates to determine whether they are generally recognized as safe (GRAS) or subject to a prior sanction. This action accords with procedures of a comprehensive safety review that the Food and Drug Administration is conducting. Interested persons are given an opportunity to give their views on the safety of these substances.

DATE: Requests to make oral presentations at the public hearing must be postmarked on or before May 22, 1978.

ADDRESSES: Written requests to the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014; and to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following two categories of food ingredients: (1) Manganous salts in direct food use (manganous citrate, manganous chloride, manganous gluconate, manganous sulfate, manganous oxide); (2) silicates in direct food use (aluminum calcium silicate, calcium silicate, magnesium silicate, sodium aluminosilicate, sodium clcium aluminosilicate, tricalcium silicate, silica aerogel, asbestos-free talc, sodium metasilicate, sodium zinc metasilicate, methylpolysilicones), paper and paper board food packing (diatomaceous earth, silicon dioxides, sodium silicate, talc), and cotton and cotton fabrics food packaging (sodium silicate, talc).

The public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053), and April 17, 1974 (39 FR 13798).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that reasonably might be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

5. The information available is not sufficient to make a tentative conclusion.

The following table lists each ingredient, the Select Committee's tentative conclusion, keyed to the five types of conclusions listed above, and the available information on which the Select Committee reached its conclusions.

Human intake data for the substances listed in the table are included in "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized As Safe (GRAS)" Order No. PB-221-920)(SET); price code E99; price, $173, available from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22151. Reports in the table with "PB" prefixes are also available from NTIS.

In addition to the information contained in the documents listed in the

Substances	Select committee tentative conclusion	Science literature review Order No. cost	Animal study report Order No. cost	Other information
Manganous salts, direct food use				
Manganous citrate	1	PB-228-553/As; price code, A08; price, $8.	Teratologic evaluation of manganese sulfate, monohydrate (FDA 71-71), in mice, rats, hamsters, and rabbits. Submitted to FDA by FDRL. PB-223-813; price code, A04; price, $5.25.	(a) Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: Manganese sulfate. FDA in-house report. (b) Evaluation of chemicals for toxic and teratogenic effects using the chick embryo as the test system. Submitted to FDA by WARF Institute, Inc.
Manganous chloride	1			
Manganous gluconate	1			
Manganous sulfate	1			
Manganous oxide	5			

Substances	Select committee tentative conclusion	Science literature review Order No. cost	Animal study report Order No. cost	Other information
Manganous salts, direct food use—Continued				
				(c) Study of mutagenic effects of manganese sulfate (FDA No. 71-71). Submitted to FDA by Stanford Research Institute. (d) Letter dated Sept. 14, 1976, from Dr. Helen Churella, Ross Labs., Columbus, Ohio, to G. W. Irving, Jr., FASEB, Bethesda, Md.
Silicates, direct food use				
Aluminum calcium silicate	1	PB-228-554/AS; price code, A07; price, $7.25.	(a) Mutagenicity screening studies of synthetic silica (FDA 71-45). Submitted to FDA by Litton Bionetics, Inc. PB-245-468/AS, price code A07, price $7.25.	(a) Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: Sodium aluminosilicate. Submitted to FDA by Mississippi State University.
Calcium silicate	1			
Magnesium silicate	1			
Sodium calcium aluminosilicate	1			
Tricalcium silicate	1			
Silica aerogel	1			
Asbestos-free talc	1			
Sodium metasilicate	5			
Sodium zinc metasilicate	5			
Methyl polysilicones	5			
			(b) Mutagenicity screening studies of calcium silicate (FDA 71-41). Submitted to FDA by Litton Bionetics, Inc. PB-245-457/AS; price code, A07; price, $7.25.	(b) Calcium silicate: Toxicity and teratogenicity studies in avian embryos. Submitted to FDA by the University of Arizona.
			(c) Mutagenicity screening studies of silica aerogel (FDA 71-48). Submitted to FDA by Litton Bionetics, Inc. PB-245-467/AS; price code, A08; price, $8.	(c) Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo. Submitted to FDA by St. Louis University.
			(d) Mutagenicity screening studies of talc (FDA-71—43). Submitted to FDA by Litton Bionetics, Inc. PB-245-458/AS; price code, A07; price, $7.	(d) Investigations on the toxic and teratogenic effects of GRAS substances on the developing chick embryo. Submitted to FDA by Ohio State University.
Paper and paperboard product packing				
Diatomaceous earth	1		(e) Teratologic evaluation of sodium silicoaluminate (FDA 71-45) in mice, rats, hamsters, and rabbits. Submitted to FDA by FDRL. PB-223-810/AS; price code, A04; price, $5.25.	
Silicon dioxides	1			
Sodium silicate	1			
Talc	1			
Cotton and cotton fabrics packaging				
Sodium silicate	1		(f) Teratologic evaluation of hydrated calcium silicate (FDA 71-41) in mice, rats, and hamsters. Submitted to FDA by FDRL. PB-223-801/AS; price code, A02; price, $4.50. (g) Teratologic evaluation of hydrated calcium silicate in rabbits. Submitted to FDA by FDRL. PB-223-829/AS; price code, A02; price, $4. (h) Teratologic evaluation of syloid: Silica aerogel in mice, rats, hamsters, and rabbits. Submitted to FDA by FDRL. PB-223-808/AS; price code, A04, price, $5. (i) Teratologic evaluation of talc in mice, rats, and hamsters. Submitted to FDA by FDRL. PB-221-804/AS; price code, A03; price, $4.50. (j) Teratologic evaluation of talc in rabbits. Submitted to FDA by FDRL. PB-223-828/AS; price code, A02; price, $4.	
Talc	1			

NOTE.—Prices are subject to change.

table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on: (1) Manganous salts in direct food use (manganous citrate, manganous chloride, manganous gluconate, manganous sulfate, manganous oxide), and (2) silicates in direct food use (aluminum calcium silicate, calcium silicate, magnesium silicate, sodium aluminosilicate, sodium calcium aluminosilicate, tricalcium silicate, silica aerogel, asbestos-free talc, sodium metasilicate, sodium zinc metasilicate, methyl polysilicones) in paper and paperboard food packaging (diatomaceous earth, silicon dioxides, sodium silicate, talc), and in cotton and cotton fabrics packaging (sodium silicate, talc) are available for review in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and also at the Public Information Office, Food and Drug Administration, Room 3807, 200 C Street SW., Washington, D.C. 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons wishing to attend and the amount of time requested to give their views. Interested persons wishing to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014. A copy of each request shall be sent to the office of the Hearing Clerk, Food and Drug Administration (address above), and shall be placed on public display in that office. Requests must be postmarked on or before May 22, 1978, state the substance(s) on which an opportunity to present oral views is requested, and state amount of time requested. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the Select Committee's tentative report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Owing to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Interested persons may, in lieu of an oral presentation, submit written views (three copies), which shall be considered by the Select Committee, addressed to the Select Committee at the above address. Written views must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of written views shall be sent to the office of the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be chaired by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: April 10, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-10331 Filed 4-20-78; 8:45 am]

[4110-92]

Office of Human Development Services

[Program Announcement No. 13637-781]

TRAINING PROJECTS—GERONTOLOGY CAREER TRAINING

Receipt of Applications

The Administration on Aging, Office of Human Development Services, announces that applications are being accepted for Gerontology Career Training Program grants authorized by Title IV, Part A, of the Older Americans Act, as amended (42 U.S.C. 3001, 3031 et seq.). Regulations applicable to this program are published in the Code of Federal Regulations under 45 CFR Part 1320 and 45 CFR Part 1323. The closing date for receipt of applications is June 2, 1978.

Scope of this Program Announcement: This program announcement identifies the general program objectives and funding priorities for the Gerontology Career Training Program for fiscal year 1978.

A. *Program Purpose.* The purpose of the Gerontology Career Training Program is:

To improve the quality of service and help meet critical shortages of adequately trained personnel for programs in the field of aging by providing a broad range of quality training and retraining opportunities;

To be responsive to changing needs of programs in the field of aging;

To attract a greater number of qualified persons into the field of aging; and

To help make personnel training programs more responsive to the need for trained personnel in the field of aging.

B. *Program Objective and Priorities for Funding.* Applications are solicited for projects which prepare students with the necessary gerontology related knowledge that will enable them to serve, in their chosen career or profession, the Nation's elderly. To accomplish this objective, funds will support activities designed to:

Stimulate interest in gerontology among faculty and students;

Develop instructional expertise in gerontological concepts;

Prepare students for positions as practitioners, researchers and educators in the field of aging;

Provide partial financial assistance to students with a career commitment to aging; and

Assist institutions that have already committed, and intend to continue to commit, resources for the development of a training program in the field of gerontology.

Priority funding consideration will be given to project applications that reflect a multidisciplinary approach to gerontology training. Such projects are characterized by the teaching of gerontological concepts as part of the course work in the broad range of disciplinary and professional training conducted by the educational institution.

C. *Eligible Applicants.* Institutions of higher education are the applicants eligible for Gerontology Career Training grants.

D. *Available Funds.* The Commissioner on Aging will make available for Gerontology Career Training Program grants approximately $6.7 million of the fiscal year 1978 Title IV-A appropriation. It is expected that $2.7 million will support 30 continuation awards, and that $4 million will support 40-50 new grant awards pursuant to this announcement.

A new grant is the initial grant made in support of a project requested on an application. Continuation grants are not covered by this announcement.

The range of grant awards is expected to be from $35,000 to $200,000 with the average award expected to be $115,000. Based upon previous years experience, it is expected that 200 applications will be submitted requesting fiscal year 1978 support.

Support for all fiscal year 1978 Gerontology Career Training Program grants will be limited to a project period of 12 months.

E. *Cost Sharing.* There is no mandatory cost sharing on the part of Ger-

ontology Career Training Program grantees.

F. *Application Process*—1. *Availability of Forms.* Application for a grant under the Gerontology Career Training Program must be submitted on standard forms provided for this purpose. Application kits, which include the prescribed forms and information, may be obtained by writing:

Division of Manpower Resources, Administration on Aging, Room 4266, DHEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, telephone 202-472-3050.

2. *Application Submission.* One signed original and five copies of the grant application, including all attachments, must be submitted to the address indicated in the application instructions. Additionally, a copy of the application must be submitted concurrently to the DHEW Regional Office and another copy to the State Agency on Aging. The application instructions will contain the addresses of the Regional Offices and State Agencies on Aging. These agencies have the opportunity to review the applications and forward their comments to the Commissioner on Aging for consideration in final determination of grant awards.

3. *A-95 Notification Process.* Gerontology Career Training Program grants are exempt from the provisions of OMB Circular A-95.

4. *Application Consideration.* The Commissioner on Aging determines the final action to be taken with respect to each grant application. Applications which are complete and conform to the requirements of this program announcement are subject to a competitive objective review and evaluation by qualified persons independent of the Administration on Aging.

In selecting proposals for award, the Commissioner will consider comments and recommendations from three sources: the technical review panel of outside experts; State Agencies on Aging; and, staff of the Administration on Aging. In addition, the Commissioner will take into account the need for a balanced and representative distribution of awards that addresses the full range of career training needs. The Commissioner will apply to the group of technically acceptable applications such other factors as the geopraphic distribution of available gerontology training capability, the nature of the training needs that are being addressed (National, regional, State, local), the levels of training represented among the technically acceptable applications (pre doctoral, Masters degree, undergraduate).

After the Commissioner on Aging has reached a decision not to fund a competing grant application, unsuccessful applicants are notified in writing of that decision. Successful applicants are notified through issuance of a Notice of Grant Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee participation expected, and the total period for which support is contemplated.

G. *Criteria for Review and Evaluation of Applications.* Competing grant applications will be reviewed and evaluated against the criteria listed below. A minimum score of acceptability has been established, and proposals rated below the mimimum score by the review team will not be considered technically acceptable for funding. An application is considered technically acceptable if it receives at least 100 points out of a possible 190 points.

1. The contribution of the proposed project to strengthening the current multidisciplinary training program. Range: 0-30.

2. The commitment of the applicant institution to carry out the proposed project, and the degree to which similar activities will be continued beyond the period of AoA support. Range: 0-30.

3. Specificity of project objectives. Range: 0-20.

4. Soundness of methodology to accomplish proposed objectives. Range: 0-20.

5. Appropriateness and justification of the budget presentation. Range: 0-20.

6. Capability and qualifications of the applicant to carry out the proposed project. Range: 0-20.

7. Plans for attracting faculty and students to the program who are members of minority groups. Range: 0-25.

8. Plans for the development of appropriate course content and practicum experience that reflects concern for the special needs of older persons, and particularly minority elderly, whose independence and sufficiency is threatened, or whose ability to remain in their own homes or to avoid institutionalization depends on family and community assistance for support. Range: 0-25.

H. *Closing Date for Receipt of Applications.* The closing date for receipt of applications under this announcement is June 2, 1978, or postmarked no later than May 31, 1978. Applications may be mailed or hand delivered to the address contained in the application kit. Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

Late applications will not be accepted for review and applicants will be notified accordingly.

(Catalog of Federal Domestic Assistance Program Number: 13.637-781, Special Programs for the Aging—Training.)

Dated: April 12, 1978.

ROBERT BENEDICT,
Commissioner on Aging.

Approved: April 18, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

[FR Doc. 78-10907 Filed 4-20-78; 8:45 am]

[4110-84]

Health Services Administration

PROJECT GRANTS FOR COMMUNITY HEALTH SERVICES

Announcement of Availability of Grants

The Bureau of Community Health Services, Health Services Administration, announces that under the authority of section 330 of the Public Health Service Act (42 U.S.C. 254c), competitive applications for grants for community health services projects are now being accepted. The Secretary of Health, Education, and Welfare will make grants to public and nonprofit private entities for projects to plan, develop, and operate community health centers which will serve medically underserved populations in rural and urban areas. Regulations applicable to the Community Health Service Program are set forth at 42 CFR Part 51c. The amount expected to be available from fiscal year 1979 appropriations for new awards under this program is $27,700,000.

Application kits containing all necessary forms, instructions, and information may be obtained from and completed applications returned to the representative of the Community Health Service Program at the appropriate HEW Regional Office (listed below). The representative may be contacted for consultation and technical assistance relative to development of an application.

Dated: April 10, 1978.

GEORGE I. LYTHCOTT, M.D.,
Administrator, Health Services Administration.

Mr. Edward J. Montminy, Acting, Regional Health Administrator, DHEW/Region I, John F. Kennedy Federal Building, Boston, Mass. 02203, 617-223-6827.

Nicholas J. Galluzzi, M.D., Regional Health Administrator, DHEW/Region II, 26 Federal Plaza, New York, N.Y. 10007, 212-264-2560.

H. McDonald Rimple, M.D., Regional Health Administrator, DHEW/Region III, P.O. Box 13716, Philadelphia, Pa. 19101, 215-596-6637.

George A. Reich, M.D., Regional Health Administrator, DHEW/Region IV, 101 Marietta Towers, Atlanta, Ga. 30323, 404-221-2316.

E. Frank Ellis, M.D., Regional Health Administrator, DHEW/Region V, 300 South Wacker Drive, Chicago, Ill. 60606, 312-353-1385.

Floyd A. Norman, M.D., Regional Health Administrator, DHEW/Region VI, 1200 Main Tower Building, Dallas, Tex. 75202, 214-655-3879.

Holman R. Wherritt, M.D., Regional Health Administrator, DHEW/Region VII, 601

East 12th Street, Kansas City, Mo. 64106, 816-374-3291.
Hilary H. Connor, M.D., Regional Health Administrator, DHEW/Region VIII, 19th and Stout Streets, Denver, Colo. 80202, 303-837-4461.
Sheridan L. Weinstein, M.D., Regional Health Administrator, DHEW/Region IX, 50 United Nations Plaza, San Francisco, Calif. 94102, 415-556-5810.
David W. Johnson, M.D., Regional Health Administrator, DHEW/Region X, 1321 Second Avenue, Seattle, Wash. 98101, 206-442-0430.

[FR Doc. 78-10649 Filed 4-20-78; 8:45 am]

[4110-08]

National Institutes of Health

ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Arteriosclerosis and Hypertension Advisory Committee, National Heart, Lung, and Blood Institute, May 8, 1978, Conference Room 10, Building 31, National Institutes of Health, Bethesda, Md., which was published in the FEDERAL REGISTER on March 31, 1978, 43 FR 13633.

Dated: April 13, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-10664 Filed 4-20-78; 8:45 am]

[4110-08]

EPILEPSY ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Epilepsy Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, on June 8-9, 1978, in Conference Room 4, A Wing, Building 31, NIH, Bethesda, Md. 20014.

The entire meeting will be open to the public from 12 to 5 p.m. on June 8th, and from 8:30 a.m. to 4:00 p.m. on June 9th, to discuss research progress and research plans related to the Institute's epilepsy program. Attendance by the public will be limited to space available.

Dr. J. Kiffin Penry, Chief, Epilepsy Branch, Neurological Disorders Program, NINCDS, Federal Building, Room 114, NIH, Bethesda, Md. 20014, telephone 301-496-6691, will provide summaries of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: April 13, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-10665 Filed 4-20-78; 8:45 am]

[4110-08]

IMMUNOBIOLOGY STUDY SECTION

Workshop

Notice is hereby given of a Workshop on New Methodologies in Immunobiology: Pitfalls and Possibilities to be held by the Immunobiology Study Section at the Many Glacier Lodge, Glacier Park, MT, June 19, 1978 from 8 a.m. to 12:15 p.m. and from 5:15 p.m. until recess. This Workshop will meet again the following day, June 20, 1978, from 8 a.m. to 12:15 p.m. and from 5:15 p.m. until adjournment.

Further information may be obtained from Dr. James H. Turner, Executive Secretary, Immunobiology Study Section, Westwood Building, Room 233, Telephone 301-496-7780.

This workshop will be open to the public. Attendance by the public will be limited to space available.

Dated: April 13, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc. 78-10660 Filed 4-20-78; 8:45 am]

[4110-08]

NATIONAL CANCER ADVISORY BOARD; PRESIDENT'S CANCER PANEL BOARD SUBCOMMITTEES

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board, its Subcommittees, and the President's Cancer Panel, May 30-31, 1978, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.

Some of these meetings will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Some of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b (c)(4) and (c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of committee: National Cancer Advisory Board/President's Cancer Panel.
Dates of meeting: May 30-31, 1978.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Times: Open—May 30, 1 p.m.-5 p.m. Open—May 31, 1 p.m.-adjournment.
Agenda/open portion: May 30, reports of the President's Cancer Panel, and the Director, NCI; particles for radiation therapy; review of the Division of Cancer Control and Rehabilitation program, and upgrading of animal research facilities. On May 31, NIH trends in grants and contracts; research in oncopathology; NCI centers program and reports of the Board Subcommittees.
Times: Closed—May 31, 9 a.m.-11:30 a.m.
Agenda/closed portion: To review research grant applications.

Name of committee: Board Subcommittee on Centers.
Date of meeting: May 30, 1978; 8:30 a.m.
Place of meeting: Building 31, Room 8A30, National Institutes of Health.
Times open: May 30, 8:30 a.m.-9:15 a.m.
Agenda/open portion: To review requests from the comprehensive cancer center of Michigan and the Missouri Cancer Programs, Inc., to be recognized as comprehensive centers.
Times closed: May 30, 9:15 a.m.-adjournment.
Agenda/closed portion: To review research grant applications.

Name of committee: Board Subcommittee on Special Actions for Grants.
Date of meeting: May 30, 1978; 9 a.m.-12 noon.
Place of meeting: Building 31C, Conference Room 6, National Institutes of Health.
Closed for the entire meeting.
Agenda: To review research grant applications.

Name of committee: Board Subcommittee on Construction.
Date of meeting: May 30, 1978; 10:30 a.m.-12 noon.
Place of meeting: Building 31, Room 8A30, National Institutes of Health.
Closed for the entire meeting.
Agenda: To review research grant applications.

Name of committee: Board Subcommittee on Planning and Budget.
Date of meeting: May 30, 1978; 7:30 p.m.-adjournment.
Place of meeting: Building 31C, Conference Room 9, National Institutes of Health.
Open for the entire meeting.
Agenda: To review the status of NCI budgets.

Name of committee: Board Subcommittee on Environmental Carcinogenesis.
Date of meeting: May 30, 1978; 7:30 p.m.-adjournment.
Place of meeting: Building 31C, Conference Room 6, National Institutes of Health.
Open for the entire meeting.
Agenda: To discuss the status of environmental carcinogenesis at the National Cancer Institute.

(Catalog of Federal Domestic Assistance Programs No. 13.392-13.397, National Institutes of Health.)

Dated: April 13, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-10663 Filed 4-20-78; 8:45 am]

[4110-08]

NATIONAL CANCER ADVISORY BOARD'S SUBCOMMITTEE ON CENTERS

Amended Notice of Meeting

Notice is hereby given of a change in starting time and dates of the National Cancer Advisory Board's Subcommittee on Centers meeting, National Cancer Institute, May 16, 1978, which was published in the FEDERAL REGISTER on March 31, 1978 (43 FR 13635).

The meeting will be held May 16 and 17, 1978, and will be open to the public from 8:30 a.m.-adjournment, both days. Attendance by the public will be limited to space available.

Dated: April 13, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-10662 Filed 4-20-78; 8:45 am]

[4110-08]

RADIATION STUDY SECTION

Workshop

Notice is hereby given of a Workshop on the Science of Medical imaging to be held by the Radiation Study Section at the Kenwood Country Club, Bethesda, M.D., June 14, 1978, from 9 a.m. until recess, and June 15, 1978, from 9 a.m. until adjournment.

Further information may be obtained from Dr. Robert Straube, Executive Secretary, Radiation Study Section, Westwood Building, Room A-10, telephone 301-496-7073.

This workshop will be open to the public. Attenance by the public will be limited to space available.

Dated: April 13, 1978.

SUZANNE L. FREEMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-10661 Filed 4-20-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF AROCLOR 1254 FOR POSSIBLE CARCINOGENICITY

Availability

Aroclor 1254 (CAS 27323-18-8) has been tested for cancer-causing activity with rats in the carcinogenesis program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary. A bioassay of Aroclor 1254 for possible carcinogenicity was conducted by administering the test chemical in feed to Fischer 344 rats.

Groups of 24 rats of each sex were administered Aroclor 1254 at one of three doses, either 25, 50, or 100 ppm, for 104-105 weeks. Matched controls consisted of groups of 24 untreated rats of each sex. All surviving rats were killed at 104-105 weeks.

Mean body weights of males and females receiving mid and high doses and females receiving low doses of the chemical were consistently below those of the corresponding controls, beginning at about week 10 of the study. The decrease in survival among males, but not among females, showed a significant dose-related trend. Adequate numbers of animals of both sexes survived for meaningful statistical analyses of the incidences of tumors.

It is concluded that under the conditions of this bioassay, insufficient evidence was obtained to implicate Aroclor 1254 as a carcinogen in Fischer 344 rats.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalog of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: April 14, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-10659 Filed 4-20-78; 8:45 am]

[4110-85]

Public Health Service

QUALIFIED HEALTH MAINTENANCE ORGANIZATIONS

Revised Service Areas

Notice is hereby given that the Assistant Secretary for Health has approved changes in service areas of certain federally qualified health maintenance organizations (see Title XIII of the Public Health Service Act, 42 U.S.C. 300e et seq.) as follows:

1. HMO Illinois, Inc., 233 North Michigan Avenue, Suite 1323, Chicago, Ill. 60601. Date of qualification: June 15, 1977 (42 FR 38649-50). Service area: The zip codes included in the area are as follows:

60004, 60005, 60007, 60008, 60010, 60015, 60016, 60018, 60022, 60025, 60026, 60029, 60035 *, 60043, 60053, 60056, 60062, 60067, 60068, 60069, 60070, 60076, 60082, 60090, 60091, 60093, 60101, 60103, 60104, 60106, 60108, 60120, 60126, 60130, 60131, 60137, 60141, 60143, 60148, 60153, 60157, 60160, 60162, 60163, 60164, 60165, 60170, 60171, 60172, 60176, 60181, 60184 *, 60187, 60191, 60193, 60194, 60195, 60201, 60202, 60203, 60301, 60302, 60304, 60305, 60401, 60402, 60406, 60409, 60411, 60415, 60417, 60419, 60422, 60423, 060425, 60426, 60429, 60430, 60432, 60438, 60439, 60441, 60442, 60443, 60445, 60448, 60449, 60451, 60452, 60453, 60455, 60456, 60457, 60458, 60459, 60461, 60462, 60463, 60464, 60465, 60466, 60468, 60469, 60471, 60472, 60473, 60475, 60476, 60477, 60480, 60482, 60501, 60513, 60514, 60515, 60521, 60525, 60534, 60546, 60558, 60559, 60601, 60602, 60603, 60604, 60605, 60606, 60607, 60608, 60609, 60610, 60611, 60612, 60613, 60614, 60615, 60616, 60617, 60618, 60619, 60620, 60621, 60622, 60623, 60624, 60625, 60626, 60627, 60628, 60629, 60630, 60631, 60632, 60633, 60634, 60635, 60636, 60637, 60638, 60639, 60640, 60641, 60642, 60643, 60644, 60645, 60646, 60647, 60648, 60649, 60650, 60651, 60652, 60653, 60654, 60655, 60656, 60657, 60658, 60659, 60660, 60666, 46303, 46307, 46311, 46312, 46319, 46320, 46321, 46322, 46323, 46324, 46326, 46327, 46342, 46373, 46375, 46394, 46402, 46404, 46406, 46407, 46408, 46409, and 46410.

* * * * *

2. Prudential Health Care Plan, Inc., P.O. Box 2884, Houston, Tex. 77001. Date of qualification: June 2, 1976 (41 FR 30701). Service area *: Harris County and portions of Brazoria, Fort Bend, Galveston, Liberty, Montgomery, and Waller Counties in Greater Houston metropolitan area. The zip codes included in the area are as follows:

77001-77099, 77201, 77206, 77205, 77207, 77208, 77209, 77211, 77301, 77302, 77336, 77338, 77339, 77355, 77356, 77357, 77362, 77365, 77367, 77372, 77373, 77375, 77379, 77380, 77401, 77410, 77411, 77413, 77421, 77429, 77430, 77433, 77441, 77447, 77450, 77459, 77469, 77471, 77477, 77478, 77481, 77484, 77501, 77502, 77503, 77504, 77505, 77506, 77507, 77511, 77517, 77520, 77521, 77530, 77532, 77536, 77537, 77545, 77546, 77547, 77562, 77563, 77565, 77571, 77573, 77578, 77581, 77583, 77586, 77587, and 77598.

* * * * *

3. Rhode Island Group Health Association, Inc., 210 High Service Avenue, North Providence, R.I. 02904. Date of qualification: October 31, 1975 (40 FR 54606). Service area: State of Rhode Island and the following communities in the State of Massachusetts *:

Bristol County

Attleboro, Berkeley, Dighton, Mansfield, North Attleboro, Norton, Rehoboth, Seekonk, Swansea, and Taunton.

Norfolk County

Bellingham, Franklin, Plainville, and Wrentham.

Worcester County

Blackstone and Millville.

* * * * *

Dated: April 10, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

[FR Doc. 78-10650 Filed 4-20-78; 8:45 am]

*Revised service area.

[4110-07]

Social Security Administration

INCOME MAINTENANCE RESEARCH AND DEMONSTRATION GRANTS

Availability of Grants

The Commissioner of the Social Security Administration gives notice of the availability of fiscal year (FY) 1978 funds for income maintenance research and demonstration (R. & D.) grants. The grants are authorized under sections 1110 and 1115 of Title XI of the Social Security Act for domestic research supportive of public assistance progams funded under Title IV of the Act. Applications must be received by June 30, 1978.

Applications for section 1110 grants may be made by States and public or nonprofit agencies, organizations or institutions, including State or local agencies responsible for administering federally aided programs of income maintenance. Section 1115 grants are available only to the State agency responsible for administering the federally aided programs of income maintenance.

General Policy Consideration

The R. & D. activities are intended to resolve major Department of Health, Education, and Welfare policy and program issues, and to assist States in developing new methods for improving the effectiveness of public assistance programs; fraud control; analyses related to welfare reform; new methods for controlling Aid to Families with Dependent Children (AFDC) administrative and program costs; and the area of child support enforcement. Three types of projects will be emphasized:

1. Those which develop and demonstrate new financing mechanisms; management and administrative procedures; and technological innovations for improving the effectiveness and efficiency of public assistance programs at the State and local levels;

2. Those which develop more knowledge on the characteristics and financial needs of a target group;

3. Those which develop and implement analytical models for comparing the relative merits of alternative methods for carrying out the income maintenance and child support enforcement programs.

The basic criteria for funding new projects include the following: 1. The proposal should address a priority area as discussed below.

2. The concept to be researched must be innovative and not duplicative of other efforts.

3. The knowledge, methods, or technology developed must be such that an impact can be made on a significant portion of the AFDC program.

4. The knowledge, methods or technologies developed in experimental, developmental, or other demonstration projects must be replicable in whole or in part and potentially applicable in areas other than the test sites.

5. The proposed research procedures must be rigorous and consistent with what is generally agreed to be the advanced state-of-the-art. Where possible, a comparison or control group should be utilized.

6. Demonstration projects with States must have a commitment of State interest and cite conditions for State continuation of demonstrations judged to be successful once the demonstration project terminates.

Priority Areas for R. & D. Funds

Research and demonstration projects will be directed toward priorities and strategies derived from major policy and program issues. The following topics have been designated as high priority for R. & D. funding for fiscal year 1978. However, unsolicited proposals on other topics will be considered, and funded only if judged to be of greater potential value than those topics listed below.

Income Maintenance R. & D.

Income maintenance R. & D. efforts for new projects in fiscal year 1978 will concentrate on: (a) Demonstration of fraud control techniques; (b) Electronic Fund Transfer of recipient benefits to local bank accounts; (c) Automation of eligibility determination process; (d) Projects within the area of AFDC management improvement; (e) Case preparation and court presentation by title IV D agency using legal staff; (f) Status of State procedures in determining incapacity, and (g) An in-depth analysis of local welfare administration office procedures.

Duration and Availability of Funds

Available funds for grants and contracts in fiscal year 1978 under sections 1110 and 1115 of the Social Security Act (Act) total $2,678,000. Available funds for fiscal year 78 for grants under Section 1110 of the Act total $552,667. Available funds for grants under Section 1115 of the Act total $1,333,333, of which $1,203,334 is for new projects and $129,999 is for continuation projects. A sum of $792,000 has been set aside for contract procurement.

Grants will be awarded for a period of one year, but may be continued on a competing basis, for a longer period, depending on the availability of funds, the meeting of project objectives and completion of first year products, and relevance of the project to current program priorities.

Review of the Research and Demonstration Proposals

The selection of the new R&D proposals and continuations will be based on their relevance to R&D objectives, their potential impact, and technical and scientific adequacy, as well as the capability of the prospective grantee to carry out the indicated scope of work.

The review process will consist of two phases. During the first phase, irrelevant project proposals will be screened out and the applicant notified of this action. Those project proposals passing the first screening will be submitted for methodological review by an expert panel. The final decision on relevance will be made at the time all in-house study and reviews by the designated expert panel are completed. The review process will use a minimum of three review panelists, and will be coordinated by the R&D Project Officer in the Office of Research and Statistics in the Social Security Administration. The Project Officer will prepare the recommendation for approval by the responsible official. Numerical ratings and written assessments will be made for each application and a rank ordering of applications will be made. In general, project funding requirements should fall between $50,000 and $300,000 per year.

Project Requirements

In addition to meeting the basic criteria described under General Policy Considerations, the project proposal must meet the following requirements as detailed in the Project Narrative section of the Grant Application Package.

1. Project objectives must be explicitly described and measurable.

2. A well-defined and carefully worked out methodology must be included for determining the cost benefits of any R&D effort undertaken which deals with policies and program options.

3. Tasks and milestones must be clearly described and scheduled.

4. The project should list the qualifications of the project personnel and demonstrate how those qualifications make those people capable to perform their assigned tasks in the project in a competent manner.

5. The budget must be given in detail with justifications and explanations. Estimated costs must be reasonable considering the anticipated results.

6. All projects must have an evaluation component which describes data collection and analysis procedures geared to quantitative assessment of the degree to which intended objectives are achieved. Such analysis must be clearly distinguished from activities designed primarily for giving project staff feedback on their progress toward meeting project objectives.

7. The applicant organization must have adequate facilities and resources to carry out the project.

8. A research project must include hypotheses to be tested, a research

design which specifies dependent and independent variables, basis of sample design and size, controls, if any, and research and analytical methodologies.

9. A demonstration project must include a demonstration design, objectives, analytical methodologies, and evaluation methodologies.

10. Plans for utilization of research or a demonstration project's results must be described along with the deliverable products to be derived.

APPLICATION PROCEDURES

A project application kit may be secured from the Division of Contracting and Procurement, Social Security Administration, P.O. Box 7696, Baltimore, Md. 21207. The appication kit contains a standard application form, specifications for topical priorities, and the Grant Application Package. Applications must be received at the above address no later than June 30, 1978. An application will be considered to be received on time if:

a. The application was sent by registered or certified mail not later than June 30, 1978, as evidenced by the U.S. Postal Service; or

b. The application is received on or before the closing date by the Department of Health, Education, and Welfare in Baltimore, Md. In estao.ishing the date of receipt, consideration will be given to the time date stamp of the mailroom or other documentary evidence of receipt maintained by SSA.

Funding of grants, when possible, will be through a competitive process, based on a choice among proposals submitted in response to notices. States applying for demonstration grants are encouraged to send a courtesy copy of the proposal to the Social Security Regional Office. Under Section 1115 of the Social Security Act, grants made to States may cover the entire cost of an R&D project. Section 1115 R&D funds may be used to pay what normally would be the State's share of project activity.

(Catalog of Federal Domestic Assistance Program No. 13.766—Public Assistance Research.)

Dated: April 18, 1978.

DON I. WORTMAN,
Acting Commissioner of Social Security Administration.

[FR Doc. 78-10822 Filed 4-20-78; 8:45 am]

[1505-01]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6701-D]

Alaska Native Claims Selection Application

Correction

In FR Doc. 78-9132, appearing at page 14542 of the issue for Thursday, April 6, 1978, the first line of the first land description in the last paragraph of column one on page 14543 should read, "Lot 3 of U.S. Survey No. 4734 (patent No.".

[1505-01]

[AA-6685-B]

ALASKA

Alaska Native Claims Selection Application

Correction

In FR Doc. 78-9133, appearing at page 14545 in the issue of Thursday, April 6, 1978, the fifth from last line of the last land description on page 14546, column three, should read, "Sec. 29, S½N½".

[4310-84]

[W-62549]

WYOMING

Application

APRIL 10, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Gas Co. of Colorado Springs, Colo. filed an application for a right-of-way to construct a 6⅝-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 39 N., R. 90 W.,
Sec. 29, E½SW¼ and SW¼SW¼;
Sec. 31, Lot 1, NE¼NW¼ and N½NE¼;
Sec. 32, NW¼NW¼.

T. 39 N., R. 91 W.,
Sec. 35, E½NW¼.

The pipeline will transport natural gas produced from existing wells located in section 35, T. 39 N., R. 91 W., to a point of connection with an existing natural gas pipeline in the SW¼ of section 29, T. 39 N., R. 90 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-10812 Filed 4-20-78; 8:45 am]

[4310-84]

[W-63286]

WYOMING

Application

APRIL 12, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Gas Co. of Casper, Wyo. filed an application for a right-of-way to construct a measuring and regulating station across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 87 W.,
Sec. 22, N½SW¼.

The station will be used to measure and regulate gas to the city of Rawlins, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-10827 Filed 4-20-78; 8:45 am]

[4310-84]

[W-0136202]

WYOMING

Application, Amendment

APRIL 12, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Husky Pipeline Co. of Cody, Wyo. filed an amendment application for the relocation of a portion of pipeline right-of-way grant W-0136202. This relocation of an existing pipeline will affect the following described public lands.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 101 W.,
Sec. 28, SW¼NW¼;
Sec. 29, E½NE¼.

The proposed relocation has been necessitated to eliminate the pipeline and roadway conflict caused by Wyoming Highway Project SCP 7547 Utility Cody-Meeteetse Road (Cody-South), Park County, Wyo.

The purpose of this notice is to inform the public that the Bureau will

be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-10828 Filed 4-20-78; 8:45 am]

[4310-03]

Heritage Conservation and Recreation Service

[INT FES 78-5]

OFF-ROAD VEHICLES ON PUBLIC LANDS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed implementation of Executive Order 11644, as amended by Executive Order 11989, which pertains to the use of off-road vehicles on public lands.

The environmental statement considers the effects of implementing the order on lands administered by the Department of the Interior. The environmental statement recognizes the need for a unified Federal policy toward the use of off-road vehicles (ORVs) and the importance of protecting environmental values and other recreational activities through wise policies which will ensure proper and compatible use of ORVs on public lands.

Copies are available for inspection at the following locations:

Department of the Interior, Office of Public Affairs, Room 7200, Washington, D.C. 20240, telephone 202-343-3171.

Department of the Interior, Heritage Conservation and Recreation Service, Office of Communications, Room 140, South Interior Building, Washington, D.C. 20240, telephone 202-343-5726.

Heritage Conservation and Recreation Service, Northwest Region Office, 915 Second Avenue, Room 990, Seattle, Wash. 98174, telephone 206-442-4706.

Heritage Conservation and Recreation Service, Pacific Southwest Region Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102, telephone 415-556-0182.

Heritage Conservation and Recreation Service, Mid-Continent Region Office, Building 41, P.O. Box 25387, Denver Federal Center, Denver, Colo. 80225, telephone 303-234-2634.

Heritage Conservation and Recreation Service, Lake Central Region Office, 3853 Research Park Drive, Ann Arbor, Mich. 48107, telephone 313-668-2023.

Heritage Conservation and Recreation Service, Southeast Region Office, 148 International Boulevard, Atlanta, Ga. 30303, telephone 404-221-4405.

Heritage Conservation and Recreation Service,Northeast Region Office, William J. Green Federal Office Building, Room 9310, 600 Arch Street, Philadelphia, Pa. 19106, telephone 215-597-7989.

Heritage Conservation and Recreation Service, South Central Region Office, 5000 Marble Avenue, NE., Albuquerque, N. Mex. 87110, telephone 505-766-3515.

Heritage Conservation and Recreation Service, Alaska Area Office, Room 201, 540 West 5th Avenue, Anchorage, Alaska 99501, telephone 907-265-5345.

A limited number of single copies are available and may be obtained by writing to the Office of Environmental Affairs, Heritage Conservation and Recreation Service, Room 102, Interior South Building, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number above.

Dated: March 30, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 78-10703 Filed 4-20-78; 8:45 am]

[4310-84]

Office of the Secretary

[INT DES 78-11]

PROPOSED PROJECT IN SILVER CITY, OWYHEE COUNTY, IDAHO

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for Silver City, Idaho.

The proposal involves the leasing of 5.5 acres of public lands within the regionally recognized historic site of Silver City, Idaho. Leases would be issued to the existing building owners to authorize their existing occupancy and use of public lands. The leases would contain stipulations to (1) preserve and protect historic and archaeological resources, (2) protect the natural resources, and (3) protect public health and safety.

The Department of the Interior invites written comments on the draft statement to be submitted on or before June 5, 1978, to the State Director, Bureau of Land Management, Box 042, Federal Building, 550 West Fort Street, Boise, Idaho 83724.

A limited number of copies are available upon request to the State Director at the above address.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240, telephone 202-343-5717.

Boise District Office, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702, telephone 208-384-1582.

Idaho State Office, Bureau of Land Management, Box 042, Federal Building, 550 West Fort Street, Boise, Idaho 83702, telephone 208-384-1770.

Notice is also given that oral and/or written comments will also be received at a formal public hearing on May 25, 1978, at 7 p.m. at:

Rodeway Inn, Alturas Room, 29th and Chinden Boulevard, Boise, Idaho.

An administrative law judge will preside over the hearing. Witnesses presenting oral comments should limit their testimony to ten (10) minutes. Written request to testify orally should be submitted to William L. Mathews, State Director, Bureau of Land Management, Box 042, Federal Building, 550 West Fort Street, Boise, Idaho 83724, prior to the close of business on May 19, 1978.

Comments on the draft environmental statement, whether written or oral, will receive equal consideration in preparation of a final environmental statement.

Dated: April 18, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary.

[FR Doc. 78-10819 Filed 4-20-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation 337-TA-50]

CERTAIN SYNTHETIC GEMSTONES

Notice of Preliminary Conference

Notice is hereby given that a preliminary conference will be held in connection with the above styled investigation at 10 a.m. on Tuesday, May 2, 1978, in Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C. Notice of this investigation was published in the FEDERAL REGISTER on March 17, 1978 (43 FR 11272). The purposes of this preliminary conference are to establish a discovery schedule, to discuss the procedures to be followed in pursuing such discovery, to set the dates for the prehearing conference and hearing, and to resolve any other matters necessary to the conduct of this investigation.

If any questions should arise not covered by these instructions, the parties or their counsel shall call the chambers of the undersigned Presiding Officer.

The Secretary shall serve a copy of this notice upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: April 17, 1978.

Judge DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-10909 Filed 4-20-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-37]

SKATEBOARDS AND PLATFORMS THEREFOR

Notice of Continuance of Prehearing Conference

Notice is hereby given that the prehearing conference previously scheduled for May 9, 1978, is hereby continued until the following day, May 10, 1978, at 10 a.m. in the hearing room of the Administrative Law Judge, Room 610, Bicentennial Building, 600 E Street NW., Washington, D.C. The original notice of this prehearing conference was published in the FEDERAL REGISTER on April 5, 1978 (43 FR 14365).

The Secretary shall serve copy of this order on parties of record and shall publish this notice in the FEDERAL REGISTER.

Issued April 17, 1978.

Judge DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-10910 Filed 4-20-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 17th day of April 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 14, 1978

Name of applicant and location of enterprise	Principal product or activity
Master Aggregates Toa Baja Corp., Toa Baja, P.R.	Preparation of sand and crushed stone for construction industry.
St. John Fishermen's Coop., Inc., St. Thomas, V.I.	Processing and marketing of fish.
Bush Industries, Inc., Little Valley, N.Y.	Manufacture of housewares and furniture.
Air Omni, Inc., Dorado, P.R.	Private airport and flying school for helicopters.

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 14, 1978—Continued

Name of applicant and location of enterprise	Principal product or activity
Will-Chris, Inc., Rainelle, W.Va.	Fast food restaurant.
Beaver Development Co., Inc., Bluefield, W.Va.	Motel.
Richland Stone, Inc., Venango County, Pa.	Production and sale of limestone.
Delmarva Poultry Cooperative, Inc., Laurel, Del.	Processing of poultry.
America Ltd., Inc., Cambridge, Md.	Storage of frozen products.
American Safety Razor Co., Staunton, Va.	Design, manufacture and sales of shaving, industrial and surgical blades.
Davy & Lovett Enterprises, Inc., Capon Bridge, W.Va.	Excavating and land surveying.
Gem Furniture Co., Inc., Weston, W.Va.	Retail furniture and floor-covering and retail clothing.
Construction Ltd., Morgantown, W.Va.	Construction and sale of single and multifamily homes.
American Minerals, Inc., Gulfport, Miss.	Manufacture of agricultural fertilizers.
Whitewater, Inc., Pulaski, Tenn.	Sawmill.
Wayne Machine & Iron Works, Waynesboro, Miss.	Machine shop work and design.
June Day Manufacturing Co., Inc. & P.S. Realty Co., Williamston, N.C.	Manufacture of ladies' and children's swimwears.
T. & S. Hardwoods, Inc., Baldwin, Ga.	Sawmill.
Williams W. Bowen, Columbia, S.C.	Nursing home facility.
Hutchens Hosiery Mills, Inc., Newton, N.C.	Manufacture of men's and girls' hosiery.
The Bean Station Furniture factory, Inc., Grainger County, Tenn.	Manufacture of upholstered furniture.
Hamilton Motor Co., Vardaman, Miss.	Retail sales of automobiles and trucks.
Mr. Tim C. Thomas, Henagar, Ala.	Yarn spinning mill.
Poplarville Manufacturing Co., Inc., Poplarville, Miss.	Manufacture of farm equipment.
W. C. Lawson Co. of Georgia, Inc., Cochran, Ga.	Merchandizing baled cotton.
Thomson Decorating Center, Thomson, Ga.	Retail and subcontract work for carpeting, floor covering, wallpaper, paints and art supplies.
East Inn Corp., Warner Robins, Ga.	Motel.
Kankakee Foundry Co., Kankakee, Ill.	Manufacture of grey and ductile iron castings.
Lorman M. Mansholt and Dorothy L. Mansholt, Litchfield, Ill.	Restaurant and motel.
Southeastern Health Care, Center, Inc., Barnesville, Ohio.	Skilled or intermediate nursing home care.
Durand Golf Club, Inc., Durand, Wis.	Golf course and clubhouse.
Air Illinois, Inc., Carbondale, Ill.	Scheduled air transportation for passengers and air freight.
J. & J. Building Supply, Inc., Tecumseh, Okla.	Retail cement and building supplies.
Cole Grain Co., Inc., Muskogee, Okla.	Manufacture of cattle feed and pet food.
Veritas Developments, Inc., Morgan City, La.	Hotel/motel.
Natchez Steel & Pipe, Inc., Rosharon, Tex.	Warehousing and distribution of steel products.

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 14, 1978—Continued

Name of applicant and location of enterprise	Principal product or activity
U.S. Wire Rope Corp., Kirbyville, Tex.	Manufacture of wire rope.
Three M Seed Co., Clarkton, Mo.	Blended fertilizer plant.
Aztec Woodcraft, Inc., Falls City, Nebr.	Manufacture of hardwood doors.
Maverick Tube Corp., Union, Mo.	Production of steel pipe and tubes.
Patricia Ann Tamsitt Antley, Columbia, S.C.	Child day-care facilities.
Hilton Head Harbor Marina, Inc., Hilton head Island, S.C.	Marina and small campground, more campground sites and expanded marina operation.
PR Feed Co., Poplarville, Miss.	Retail farm supply business.
Mesabi Drill & Tool, Inc., Chisholm, Minn.	Manufacture of high speed twist drills.
Potato World, Inc., Grand Marsh, Wis.	Storage and packaging of potatoes.
Ivan Carrow, Marshall, Minn.	Retail and rental of formal wear.
Larson's Cheese, Inc., Juda, Wis.	Cheesemaking and packaging for wholesale and retail sales.
David W. Longaberger, Dresden, Ohio.	Manufacture of handwoven baskets.
Crystal Builders Supply (Tenant of the City of Lake Crystal), Lake Crystal, Minn.	Manufacture of prefab wall.
Absorbent Clay Products, Inc., Mounds, Ill.	Drying and grinding of earth clay.
Medical Care Center Ltd., Marysville, Ohio.	Nursing care facility.
Budget Luxury Inns of Quincy, Inc., Quincy, Ill.	Motel.
Stella D'oro Biscuit Co., Midwest, Inc., (Tenant of the city of St. Elmo), St. Elmo, Ill.	Manufacture of bakery products.
Joe C. Holcomb, Branson, Mo.	Intermediate-care nursing facility.
High Country Corp., Denver, Colo.	Motel.
A. & T. Trailer Park, Inc., Fremont County, Wyo.	Mobile home park
Warner Marketing Associates, Bozeman, Mont.	Motion picture theatre.
Dickinson Concrete Products Co., Dickinson, N. Dak.	Concrete block and precasting plant.
Cal-Gem Raisin, Inc., Madera, Calif.	Drying of raisins and other fruit.
Cotton Machinery Co., Inc., Hanford, Calif.	Manufacture of cotton module builders.
Vassilious Kamouzis, Interstate 10, Ariz.	Motel.
Haight Nursery, Roseville, Calif.	Wholesale nursery.
Alderbrook Inn, Union, Wash.	Year-round resort, food, beverage, and rooms.
Valley Equipment Co., Blackfoot, Idaho.	Retail farm equipment sales, parts and repair service.
Charles B. Berry, Harpersville, Ala.	Millwork and door-unit-assembly plant.

[FR Doc. 78-10683 Filed 4-20-78; 8:45 am]

[4510-43]

Mine Safety and Health Administration

[Docket No. M-78-50-C]

EXTRACTORS, INC

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Extractors, Inc., P.O. Box 69, Keyrock Road, Pineville, W. Va. 24874, has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its No. 1 mine, located in Wyoming County, W. Va., in accordance with section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c). See also section 101(c) of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164.

The substance of petitioner's statement is as follows:

(1) Because of coal seam heights of from 40 to 47 inches and the unevenness of the bottom, canopies catch on the straps and roof bolts, resulting in a weakening of the roof.

(2) In order to improve their vision, equipment operators must lean out to the side, creating a danger of catching their heads on something, whereas failure to lean out creates a danger for others in the path of the equipment.

(3) Canopied equipment creates cramped conditions, resulting in cramps and stiff joints to the occupants.

(4) Although a previous request for modification was denied by MESA, conditions are now less favorable in that seam heights are lower, the bottom is more uneven and the equipment now in use is newer than that formerly used.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before May 22, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va., 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-10854 Filed 4-20-78; 8:45 am]

[4510-43]

Mine Safety and Health Administration

[Docket No. M-78-51-C]

STEARNS MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Stearns Mining Co., Box 278, Stearns, Ky. 42647, has filed a petition to modify the application of 30 CFR 75.1710-1 (cabs and canopies), to its Justice Mine, located in Whitely County, Ky., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of petitioner's statement is as follows:

(1) Because of seam heights of from 38 to 48 inches in petitioner's No. 2 seam and 40 to 70 inches in the No. 1½ seam and variations and frequent rolls in the seam heights, canopies increase the danger to the workers. Due to this increased danger, the Kentucky Department of Mines and Minerals directed that canopies in similar mines be removed.

(2) Due to the close confinement of a canopy, it is not possible for the operator to remain under its protection while moving the equipment; instead the operator has to remain outside or walk next to said equipment, particularly in roof drill situations.

(3) The operator is exposed to the risk of being pinned by the canopy while tramming or moving it.

(4) The operator's vision is severely impaired. Often he is unable to visibly observe the equipment helper, resulting in a danger to himself and others. Additionally, in order to see ahead of and behind the equipment, the operator's head must be extended beyond the protection of the canopy, resulting in a danger of his being crushed between the canopy and the rib of the mine.

(5) Ingress and egress from the cab of the equipment is so limited that the operator may be held captive, preventing escape when necessary.

(6) Because of the aforementioned reasons, Petitioner requests that he be permitted to be relieved of the requirement for canopies over cabs of equipment used in the mine and substitute therefor protection of its miners through an approved roof bolting plan.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before May 22, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-10770 Filed 4-20-78; 8:45 am]

[4510-43]

[Docket No. M-78-53-C]

S & M COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that S & M Coal Co., P.O. Box 72, Royal City, Va. 24615, has filed a petition to modify the application of 30 CFR 75.1710-1 (cabs and canopies), to its No. 4 mine, located in Buchanan County, Va., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of petitioner's statement is as follows:

(1) Because of low coal seam heights, which vary from 38 to 52 inches, and a floor which is irregular and rough in places, cabs and canopies on equipment limit operator visibility, thereby forcing the operator to lean out the side of the equipment to improve visibility. They also cause cramped conditions and knock out roof bolts. This creates a danger to persons in the vicinity of the equipment.

(2) Because of the dangers specified, the Virginia Division of Mines and Quarries has issued closure orders on petitioner's mine, such orders to be effective until cabs and canopies are removed.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before May 22, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-10771 Filed 4-20-78; 8:45 am]

[4510-26]

Occupational Safety and Health Administration

ARIZONA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator—OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 29, 1974, notice was published in the FEDERAL REGISTER (39 FR 39037) of the approval of the Arizona plan and the adoption of Subpart CC to Part 1952 containing the decision.

The Arizona plan provides for the adoption of Federal standards as State standards after public hearing. Section 1952.353 of Subpart CC sets forth the States' schedule for the adoption of Federal standards. By letter dated October 31, 1977, from Donald G. Wiseman to Kenneth C. Holland and incorporated as part of the plan, the State submitted State standards comparable to the amendments of 29 CFR Part 1910 from July 28, 1975, through November 1, 1977; the amendments of 29 CFR Part 1926 from July 2, 1974, through November 1, 1977, and 29 CFR Part 1928, as published in the FEDERAL REGISTER (40 FR 18254), dated April 25, 1975, and all amendments thereto through November 1, 1977. These standards, which are contained in the Arizona occupational safety and health standards, Arizona construction safety and health regulations and Arizona occupational standards for agriculture were adopted after public hearings and the resolution adopted by the Industrial Commission of Arizona, Division of Occupational Safety and Health pursuant to the Arizona Occupational Safety and Health Act of 1972.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards with the exception of the maritime standards of 29 CFR 1910.13 through 1910.16 and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA, 450 Golden Gate Avenue, San Francisco, Calif. 94102; Director, Division of Occupational Safety and Health, 1624 West Adams, Phoenix, Ariz. 85007; and the Technical Data Center, Room N2439R, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public paricipation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Arizona State plan as a proposed change and making the Regional Administrator—OSHA's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and comment would be unnecessary.

This decision is effective April 21, 1978.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 677).)

Signed at San Francisco, Calif., this 27th day of March 1978.

GABRIEL J. GILLOTTI,
Regional Administrator.

[FR Doc. 78-10855 Filed 4-20-78; 8:45 am]

[4510-26]

UTAH STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah plan provides for the adoption of Federal standards as State standards by:

1. Advisory committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of rules and regulations or standards to the Office of the State Archivist.

Section 1952.113 of Subpart E sets forth the State's schedule for adoption of Federal standards. By letters dated October 14, 1977, from Don J. Christiansen, Administrator, Utah Occupational Safety and Health Division,

to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted rules and regulations concerning 29 CFR 1910.401, 1910.402, 1910.410, 1910.411, and 1910.420, 1910.421, 1910.422, 1910.423, 1910.424, 1910.425, 1910.426, 1910.427, 1910.430, 1910.440, and 1910.441 for commercial diving operations, 42 FR 37650, Friday, July 22, 1977. These standards, which are contained in the Utah occupational safety and health rules and regulations for general industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held. The commercial diving operations standards were adopted by the Industrial Commission of Utah, Archives File No. 2370, on September 16, 1977, pursuant to Title 35-9-6, Utah Code Annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 15042, Federal Building, 1961 Stout Street, Denver, Colo. 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah 84111; and the Technical Data Center, Room S6212, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State plan as a proposed changed and making the Regional Administrator's approval effective upon publication for the following reasons:

The standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective April 21, 1978.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Denver, Colo., this 14th day of March 1978.

CURTIS A. FOSTER,
Regional Administrator.

[FR Doc. 78-10856 Filed 4-20-78; 8:45 am]

[4510-29]
[4830-01]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

SOUTHERN NEVADA CULINARY AND BARTENDERS PENSION TRUST (APPLICATION NO. D-964)

Notice of Proposed Exemptions for Certain Transactions

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains a notice of pendency before the Department of Labor and the Internal Revenue Service (the Agencies) of two proposed exemptions from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemptions were requested in an application filed on behalf of the Upper Avenue Bank (the Bank) for transactions involving the Southern Nevada Culinary and Bartenders Pension Trust (the Pension Trust). The proposed exemptions, if granted, would affect participants and beneficiaries of the Pension Trust, their employers, the Pension Trust's investment managers, and other persons participating in the described transactions.

DATES: Written comments must be received by the Department of Labor on or before May 22, 1978.

ADDRESS: All written comments (at least six copies) should be sent to: Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-964. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216, and at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Robert R. Bitticks of the Department of Labor, 202-523-8620. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Agencies of proposed exemptions from the restrictions of sections 406(a) and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemptions were requested in an application filed on behalf of the Bank, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

BACKGROUND

The Bank has made representations applicable to each proposed exemption which are summarized below. Interested persons are referred to the application for the complete representations of the Bank.

The Pension Trust was established in 1971 to provide pension benefits to members of the Culinary Workers Union Local 226 and the Bartenders Union Local 165. The Pension Trust is maintained jointly by these two unions and various employers located in southern Nevada. As of January 27, 1978, there were 31,553 participants in the Pension Trust and 253 employers of participants. As of December 31, 1976 the Pension Trust had assets of approximately $41,500,000.

The Pension Trust has entered into various financial transactions with entities owned by Mr. Morris A. Shenker, including Sierra Charter Corp. ("Sierra") and Murrieta Hot Springs ("Murrieta"). Mr. Shenker, through various entities, owns more than 10 percent of, and is an officer of, the Dunes Hotel in Las Vegas, Nev. The Dunes Hotel is a contributing employer with respect to the Pension Trust. Among the transactions entered into by the Pension Trust with entities owned by Mr. Shenker are loans made to Murrieta and Sierra, repayment of which is guaranteed by Mr. Shenker. Payments on these loans are not current. As of January 30, 1978, Murrieta and Sierra owed the Pension Trust, in the aggregate, approximately $28 million. The loans were made to finance real estate development activities of Sierra and Murrieta and are primarily secured by real estate and real estate related assets.

On March 30, 1977, the Secretary of Labor commenced litigation—*Marshall, et al.* v. *Schmoutey, et al.*, No. CV-LV-77-47-RDF (D. Nev.)—against certain past and present trustees of the Pension Trust, Mr. Shenker, Sierra, Murrieta, and others, alleging that the Pension Trust's financial involvement with Sierra, Murrieta, Mr. Shenker and others violated certain fiduciary responsibility and prohibited transaction provisions of the Act. Pursuant to a stipulation entered into on

August 30, 1977 by the parties to this litigation, the Bank was appointed investment manager of the Pension Trust to take control of all of the Pension Trust's real estate and real estate related assets (including all loans secured by real estate) and of its cash and cash equivalent assets, except the portion of the cash assets necessary to pay benefits and to provide for the expense of administering the Pension Trust and a portion of the cash assets to be committed to an investment manager which currently manages the Pension Trust's securities portfolio.

The Bank is a commercial bank whose office is located at 875 North Michigan Avenue, Chicago, Ill. 60611. It is subject to the banking laws of Illinois and is also subject to examination by the Federal Deposit Insurance Corporation, an agency of the Federal Government. As of December 31, 1977, the Bank had total assets of $147,619,317 and total capital of $8,657,182. The Bank and its directors and principal officers have had substantial prior experience with real estate investments and in working out problem real estate loans. Prior to its appointment as investment manager pursuant to the August 30, 1977 stipulation, neither the Bank nor any officer or director of the Bank, or Dearborn Financial Corp., the holding company which owns all of the stock of the Bank, nor any 5 percent or more shareholder of Dearborn Financial Corp. had any affiliation or relationship with the Pension Trust or any of the defendants in the lawsuit.

The powers, duties and responsibilities of the Bank are set forth in the August 30, 1977, stipulation. The Bank has the power to manage, acquire, or dispose of any of the Pension Trust's assets under its management, and to take whatever action with respect to such assets as the Pension Trust trustees would have the power or authority to take had the Bank not been appointed. The Bank has no authority to delegate its fiduciary responsibilities with respect to the Pension Trust assets under its management. The Bank has the power to make claims and demands on behalf of the Pension Trust, to foreclose on its security interests, to deny claims against the Pension Trust, to defend against actions in law or equity against the Pension Trust, and to compromise and settle claims for and against the Pension Trust. The Bank has no authority to pursue claims the Pension Trust may have against present or former trustees of the Pension Trust, or any of its agents, consultants or representatives. The Bank will act in accordance with an asset management plan after the plan is approved by the United States District Court, District of Nevada, where the litigation commenced by the Department of Labor (the Department) is pending. Each party to the stipulation (including the Department) shall have 20 days, after receipt of the asset management plan, to file any objections to the plan with the court. If there are no timely objections, the management plan shall be deemed approved. If there are objections, the parties to the stipulation shall submit such objections to the court for its determination. The asset management plan, which describes in general terms an overall plan for the management and/or disposition of the Pension Trust's assets committed to the Bank's management, was filed with the court on March 6, 1978, and amended on March 28, 1978. No objections to the plan have been filed and, under the terms of the stipulation, the plan is deemed approved.

Under the terms of the contract entered into between the Bank and the trustees of the Pension Trust, the Bank is paid an annual fee of $200,000 (payable quarterly) and a fee, calculated and paid quarterly, of 3/10 of 1 percent of the fair market value of cash or cash equivalent assets, including marketable securities, under its management. The Bank is also reimbursed for reasonable costs and expenses. The Bank may retain the experts it believes are necessary for the proper fulfillment of its duties, and the Bank is reimbursed at least monthly for all reasonable and customary fees and expenses of such experts. The fee arrangements for such experts and professionals are subject to a notification by the Bank to the trustees. If no objection is made within a five-day period after receipt of the notification, the trustees are deemed to have confirmed such arrangements. As of January 30, 1978, the Bank has retained the services of two law firms in the City of Chicago, an independent public accountant, a real estate appraisal firm to appraise all of the real estate related assets, and local counsel in each state in which real estate is located.

The Bank may be removed as investment manager only for cause, either by agreement of all parties to the stipulation or by the court on noticed motion of a party to the stipulation. The Bank's appointment as investment manager is effective during the pendency of the aforementioned litigation, subject only to the foregoing removal procedure and to the Bank's right to resign upon 60 days written notice to each party to the stipulation. The parties to the stipulation have agreed to discuss devising additional procedures for the possible transition to a new investment manager, in the event the Bank is removed or resigns pursuant to the terms of the stipulation, so as to ensure continuity of management for the real estate-related assets of the Pension Trust.

The Bank will report to the Agencies certain transactions undertaken pursuant to the proposed exemptions. The Agencies will review these reports and, if circumstances warrant, take appropriate action to protect the interests of the Pension Trust and its participants and beneficiaries. For example, see section 9.02 and 9.03 of Rev. Proc. 75-26 and ERISA Procedure 75-1.

Proposed Exemptions

The application contains certain representations which are specifically applicable to each of the proposed exemptions which are summarized below. Each part set forth below contains a summary of the specific representations which are applicable to the particular proposed exemption followed by the proposed exemption.

Part I. Continuation or Adjustment of Existing Transactions

Summary of representations. The existing transactions consist of a number of loans to corporations (including Murrieta and Sierra) controlled by Mr. Shenker, who is alleged to be a party in interest and disqualified person with respect to the Pension Trust. Some of these loans are inadequately secured or are encumbered by prior or subordinate liens. Several of the loans are in default. A number of the loans have been guaranteed by Mr. Shenker.

The principal objective of the Bank, in managing these real estate related assets, is to obtain the best possible financial results for the Pension Trust consistent with prudent investment management. To attain that objective, the Bank may decide that it is necessary to hold property for an extended period of time, to invest additional capital in such property or to modify the terms of an existing arrangement. Because these transactions would be with or involve Mr. Shenker or entities controlled by Mr. Shenker, if an administrative exemption were not granted to permit the Pension Trust to engage in such transactions, the Bank believes that it would not be able to negotiate modifications or adjustments which would be in the best interests of plan participants and beneficiaries. All such modifications or adjustments would be made under the terms of the asset management plan as approved by the court. The Bank believes that it may have been necessary to engage in certain transactions consistent with the proposed asset management plan before that plan is approved by the court. Accordingly, the Bank has requested that the exemption be effective as of March 6, 1978, the date the plan was filed with the court.

Proposed exemption. Based on the application described herein, the Agencies have under consideration the

granting of an exemption, effective March 6, 1978, under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Procedure 75-1, so that the taxes imposed by sections 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code and the restrictions of section 406(a) and 407(a) of the Act shall not apply to:

(1) The continuation of any loan, lease, agreement, or other arrangement, or the continued holding of any employer security or real property, which is or relates to a plan asset of the Pension Trust; or

(2) The reconfirmation of deeds, or adjustments of the terms of any loan, lease, agreement, assignment or other arrangement (and all acts necessary and proper to the carrying out of such arrangement in accordance with its terms as adjusted), which is or relates to a plan asset of the Pension Trust, with any person who was on August 30, 1977, a party to such loan or other arrangement;

provided, that any such continuation, reconfirmation or adjustment is made pursuant to a court order or pursuant to a written agreement executed or authorized by the Bank under the terms of the asset management plan as approved by the United States District Court, District of Nevada.

If granted, the proposed exemption would apply to the following persons:

(A) The Bank acting as investment manager of the Pension Trust's real estate related assets, to the extent that the Bank causes the Pension Trust to engage in any continuation, adjustment or reconfirmation described above; and

(B) Any party in interest or disqualified person involved in the transaction,

provided that

(i) The Bank determines that such continuation, reconfirmation or adjustment is in the interest of the Pension Trust and its participants and beneficiaries and protective of the rights of the participants and beneficiaries of the Pension Trust;

(ii) The Bank communicates in writing to the Agencies within 30 days after making such continuation, reconfirmation or adjustment, a description of the transaction and explanation of why the transaction is in the interest of the Pension Trust and its participants and beneficiaries and protective of the rights of participants and beneficiaries of the Pension Trust; and

(iii) Any continuation or adjustment is no less favorable to the Pension Trust than the terms that would be obtained in an arm's-length transaction with an unrelated party.

PART II. TRANSACTION WITH CERTAIN PARTIES IN INTEREST AND DISQUALIFIED PERSONS

Summary of Representations. As of January 27, 1978, there were 31,553 participants in the Pension Trust and 253 employers of participants. Most employers contributing to the Penison Turst are members of the Nevada Resort Owners Association whose membership also includes other resort owners in the state of Nevada. The gambling resort industry is one of the largest employers in southern Nevada. As of December 31, 1977, 10 entities provided services to the Pension Trust.

Time is critical to the execution of transactions under the terms of the management plan. In the view of the Bank, the Bank might be denied investment opportunities that would benefit the Pension Trust if the Bank cannot work out troubled loans pursuant to the terms of the management plan by dealing with persons in the southern Nevada area, many of whom are parties in interest or disqualified persons, without requesting an exemption for each transaction with such parties in interest or disqualified persons, and without the notice and waiting periods attended to the exemption process required by statute.

Under the terms of the proposed exemption, the Bank can cause the Pension Trust to engage in a transaction with (1) a service provider with respect to the Pension Plan; (2) a contributing employer whose contributions to the Pension Trust which were required for the preceding plan year did not exceed five percent of the total employer contributions to the Pension Trust for that year; or (3) any other person who is a party in interest or disqualified person solely by virtue of a relationship to such service provider or contributing employer.[1] The proposed exemption, however, would not be available where the Bank causes the Pension Trust to engage in a transaction with a trustee, administrator or investment manager with respect to the Pension Trust or any person who is a party in interest or disqualified person by virtue of a relationship to such trustee, administrator or investment manager. The Bank must submit to the Agencies a written report within 30 days after consummation of the transaction if the Bank actually knows that the transaction involves a person who is a party in interest or disqualified person as described above. The report must include a description of the transaction, the identification of the party in interest or disqualified person and its relationship to the Pension Trust and an explanation of why the transaction is in the interest of the Pension Trust and its participants and beneficiaries and protective of the rights of participants and beneficiaries of the Pension Trust.

Proposed Exemption. Based on the facts and representations set forth in the application, the Agencies have under consideration the granting of an exemption under the authority of section 408(a) of the Act and section 4975(c) (2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26. If the exemption is granted, the restrictions of section 406(a) and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) and through (D) of the Code, shall not apply to transactions or arrangements between or including the Pension Trust and any of the following persons, entered into by the Bank within the period beginning March 6, 1978 and so long as the Bank serves as investment manager pursuant to the stipulation, provided that the transactions or arrangements are entered into in connection with an attempt to realize value from loans and other transactions which had been entered into by the Pension Trust prior to the time that the Bank was appointed investment manager;

(1) A service provider with respect to the Pension Trust and any other person which is a party in interest or disqualified person solely by virtue of a relationship to such service provider (except a trustee, administrator, or investment manager with respect to the Pension Trust and any other person which is a party in interest or disqualified person by virtue of a relationship to such trustee, administrator or investment manager:

(2) An employer (treating employers who are of the same affiliated group, within the meaning of section 1563 (a) of the Code, determined without regard to section 1563 (a)(4) and (e) (3) (C) of the Code as one employer) whose contributions which were required for the preceding plan year did not exceed five percent of the total employer contributions paid to or under the Pension Trust for that year; or

(3) Any other person which is a party in interest or disqualified person solely by virtue of a relationship to such employer.

If granted, the proposed exemption would be subject to the following conditions:

(A) The transaction is no less favorable to the Pension Trust than the terms that would be obtained in an arm's-length transaction with an unrelated party;

(B) Where the transaction involves a person described in (1) through (3) above whom the Bank actually knows at the time of the transaction to be a party in interest or disqualified person with respect to the Pension Trust, the

[1] A person is a party in interest or disqualified person by virtue of a relationship if the relationship is described in section 3(14) (E), (F), (G), (H) or (I) of the Act or section 4975(e)(2) (E), (F), (G), (H) or (I) of the Code.

bank shall have determined prior to causing the Pension Trust to engage in the transaction that the transaction is in the interest of the Pension Trust, its participants and beneficiaries and protective of the rights of the participants and beneficiaries of the Pension Trust; and

(C) The Bank communicates in writing to the Agencies within 30 days after causing the Pension Trust to engage in a transaction described in (B) above, a description of the transaction, the identity of the party in interest or disquailified person and its relationship to the Pension Trust, and an explantion of why the transaction is in the interest of the Pension Trust and its participants and beneficiaries and protective of the rights of participant and beneficiaries of the Pension Trust.

NOTICE TO INTERESTED PERSONS

Notice of the peding exemptions as published in the FEDERAL REGISTER will be sent by certified mail within 3 days of publication in the FEDERAL REGISTER to each current trustee and to each employer association and employee organization which is a signatory to the Trust Agreement creating the Pension Trust.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary dsicharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemptions, if granted, will not extend to transactions prohibited under section 406(b) of the Act, and section 4975(c)(1)(E) and (c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Agencies must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(5) The proposed exemptions, if granted, will be subject to the express conditions that the material facts and representations are true and complete.

WRITTEN COMMENTS

All interested persons are invited to submit written comments on the proposed exemption to the address and within the time period set forth above.

All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the application for exemption at the addresses set forth above.

Signed at Washington, D.C., this 18th day of April, 1978.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 78-10912 Filed 4-19-78; 1:28 pm]

[4510-28]

Office of the Secretary

[TA-W-2560]

A. RIVETZ CO., INC., BOSTON MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2560: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 3, 1977 in response to a worker petition received on October 28, 1977 which was filed on behalf of workers and former workers producing men's ties at A. Rivetz Co., Boston, Mass. The investigation revealed that men's and boys' neckties are produced.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977, (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from A. Rivetz Co., Inc., its customers, the Men's Tie Foundation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. The investigation has revealed that all of the requirements have been met.

Imports of men's and boys' neckties decreased in quantity in absolute terms from 1972 to 1973, decreased from 1973 to 1974, and decreased from 1974 to 1975. Imports increased 40 percent from 1975 to 1976 and increased 96 percent in the first ten months of 1977 compared to the first ten months of 1976. The ratios of imports to domestic production and consumption increased from 1.9 percent and 1.8 percent, respectively, in 1975 to 2.4 percent and 2.3 percent, respectively, in 1976.

A survey of a sample of customers revealed that customers reduced purchases from A. Rivetz Co., Inc., in 1976 and 1977 and increased purchases of imported neckties.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' neckties produced by A. Rivetz Co., Inc., Boston, Mass., contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certifications:

All workers of A. Rivetz Co., Inc., Boston, Mass. who became totally or partially separated from employment on or after February 26, 1977 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10895 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2644]

ALIQUIPPA AND SOUTHERN RAILROAD CO., ALIQUIPPA, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department

of Labor herein presents the results of TA-W-2644: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 23, 1977 in response to a worker petition received on November 14, 1977 which was filed by the United Transportation Union on behalf of workers and former workers producing continuous weld pipe, seamless pipe and electric weld pipe at the Aliquippa and Southern Railroad Co., Aliquippa, Pa. The investigation has revealed that workers at the Aliquippa and Southern Railroad do not produce pipe but are engaged in the railroad transportation of steel products.

The Notice of Investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Aliquippa and Southern Railroad Co., Jones and Laughlin Steel Corp. and department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that Aliquippa and Southern Railroad Co., a wholly owned susidiary of Jones and Laughlin Steel Corp., is heavily dependent on rail traffic generated by the Aliquippa Works of Jones and Laughlin. Products manufactured by the Aliquippa Works represented over 90 percent of tonnage shipped by Aliquippa and Southern since 1975. Workers at the Aliquippa Works engaged in employment related to the production of pipe have been previously certified as eligible to apply for trade adjustment assistance (see TA-W-1511). Shipments of pipe, however, represented only two percent of total shipments by the Aliquippa and Southern Railroad in 1977; and such shipments of pipe increased in 1977 over shipments in 1976. In addition, total shipments by the railroad increased in 1977 compared to total shipments in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers at the Aliquippa and Southern Railroad Co., Aliquippa, Pa. are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10872 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2962]

AMERON INC., AMERON STEEL AND WIRE DIVISION, ETIWANDA, CALIF.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2962: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 26, 1978, in response to a worker petition received on January 10, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing all steel products at the Etiwanda, Calif., plant of the Ameron Steel and Wire Division of Ameron, Inc. During the course of the investigation it was determined that the Etiwanda plant only sells carbon steel reinforcing bar and carbon steel wire.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7070). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ameron Steel and Wire Division of Ameron, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production of carbon steel reinforcing bar and carbon steel wire at the Etiwanda, Calif., plant of the Ameron Steel and Wire Division of Ameron, Inc. increased in 1977 compared to 1976.

CONCLUSION

After careful review I conclude that all workers at the Etiwanda, Calif., plant of the Ameron Steel and Wire Division of Ameron, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-10873 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2403]

ATLANTA DIVISION, SCRIPTO, INC., ATLANTA, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2403: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 29, 1977, in response to a worker petition received on September 28, 1977, which was filed by the International Chemical Workers Union on behalf of workers and former workers producing writing instruments, disposable lighters and refillable lighters at the Atlanta Division of Scripto, Inc., Atlanta, Ga.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Scripto, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Writing Instrument Manufacturers Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of pens increased from 23.1 million units in 1975 to 40.6 million units in 1976, and increased to 42.0 million units in the first three quarters of 1977 compared to 27.0 million units for the same period in 1976. The imports to domestic production ratio increased from 1.78 percent in 1975 to 2.72 percent in 1976. The ratio increased to 3.61 percent in the first three quarters of 1977

compared to 2.41 percent for the same period in 1976.

United States imports of marking pens increased from 3.80 million dollars in 1975 to 6.52 million dollars in 1976, and increased to 7.94 million dollars in the first three quarters of 1977 compared to 4.76 million dollars for the same period in 1976. The imports to domestic production ratio increased from 3.0 percent in 1975 to 4.8 percent in 1976, and increased to 7.4 percent for the first three quarters of 1977 compared to 4.7 percent for the same period in 1976.

United States imports of mechanical pencils increased from 4,859 gross in 1975 to 11,831 gross in 1976, and increased to 68,797 gross in the first three quarters of 1977 compared to 4,917 gross for the same period in 1976. The imports to domestic production ratio increased from 1.2 percent in 1975 to 2.8 percent in 1976, and increased to 21.2 percent for the first three quarters of 1977 compared to 1.6 percent for the same period in 1976.

United States imports of disposable lighters increased from 59.3 million units in 1975 to 77.6 million units in 1976, and increased to 77.1 million units for the first three quarters of 1977 compared to 55.2 million units for the same period in 1976. The imports to domestic production ratio increased from 53.4 percent in 1975 to 66.9 percent in 1976, and then increased to 85.7 percent in the first three quarters of 1977 from 63.4 percent for the same period in 1976.

United States imports of refillable lighters increased from 21.1 million units in 1975 to 25.6 million units in 1976 and then decreased to 17.4 million units in the first three quarters of 1977 compared to 20.3 million units in the same period in 1976. The imports to domestic production ratio increased from 70.3 percent in 1975 to 75.3 percent in 1976, and then decreased to 66.2 percent in the first three quarters of 1977 compared to 79.6 percent for the same period in 1976.

Company imports of writing instruments, disposable lighters and refillable lighters at the Atlanta Division of Scripto, Inc., decreased 46.0 percent from 1974 to 1975 and then increased 129.1 percent from 1975 to 1976. Imports increased 61.7 percent in the first three quarters of 1977 compared to the same period in 1976. Imports of writing instruments and lighters by the Atlanta Division increased as a percentage of Division sales from 17.0 percent in 1975 to 33.3 percent in 1976, and from 32.3 percent in the first three-quarters of 1976 to 65.7 percent in the first three quarters of 1977.

Many of the customers of Scripto, Inc. that were surveyed indicated they either purchase imported writing instruments and lighters directly or that they purchase, from domestic sources, such articles which have been manufactured offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with writing instruments, disposable lighters, and refillable lighters produced by the Atlanta Division of Scripto, Inc., Atlanta, Ga. contributed importantly to the decrease in sales and production and to the total or partial separation of workers at the Division. In accordance with provisions of the Act, I make the following certification:

All workers at the Atlanta Division of Scripto, Inc., Atlanta, Ga. who became totally or partially separated from employment on or after September 23, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10874 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2648]

BETHLEHEM STEEL CORP. WILLIAMSPORT, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2648: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 23, 1977, in response to a worker petition received on November 14, 1977, which was filed by the United Steelworkers of America Local 2499 on behalf of workers and former workers producing wire rope, at the Williamsport, Pa. plant of Bethlehem Steel Corp. The investigation revealed that wire strand and assemblies are also produced at the Williamsport plant.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production of wire rope, wire strand and assemblies increased in each quarter of 1977 compared to the same 1976 periods.

CONCLUSION

After careful review, I conclude that all workers at the Williamsport, Pa., plant of Bethlehem Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10875 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2094]

BOBBIE KNITWEAR, INC., COAMO, PUERTO RICO

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on January 31, 1978, applicable to workers and former workers producing men's knit sport shirts at Coamo, Puerto Rico. The Notice of Certification was published in the FEDERAL REGISTER on February 7, 1978, (43 FR 5094).

At the request of the petitioner, a further investigation was instituted by the Director of the Office of Trade Adjustment Assistance. A review of the case revealed that some layoffs of workers occurred in March 1977. These layoffs were not covered by the original impact date of May 27, 1977.

The intent of the certification is to cover all workers at Bobbie Knitwear, Inc., who were affected by the decline in production of men's knit sport shirts related to import competition. The certification, therefore, is revised, providing a new impact date of March 4, 1977.

The revised certification applicable to TA-W-2094 is hereby issued as follows:

All workers of Bobbie Knitwear, Inc., Coamo, Puerto Rico, owned and operated by Colebrook Mills, Inc., Hialeah, Fla., a wholly-owned subsidiary of Bobbie Brooks, Inc., Cleveland, Ohio, who became totally or

partially separated from employment on or after March 4, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10876 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2360]

BROWN SHOE CO., OWENSVILLE, MO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of labor herein presents the results of TA-W-2360: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 19, 1977, in response to a worker petition received on September 7, 1977, which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's shoes at the Owensville, MO., plant of the Brown Shoe Co.

The Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

On January 17, 1977, the Department issued a Notice of Revised Certification which provided that all workers at the Owensville, MO., plant who became totally or partially separated on or after October 3, 1974, and before January 31, 1977, are eligible to apply for adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that production of women's shoes at Owensville increased 37 percent in quantity from 1975 to 1976, and increased 9 percent in the first eight months of 1977 compared to the same period of 1976. Shipments of shoes from the Owensville plant to Brown's central warehouse increased 39 percent in quantity from 1975 to 1976 and increased 4 percent in the first nine months of 1977 compared to the same period of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers producing women's shoes at the Owensville, MO., plant of the Brown Shoe Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10877 Filed 4-20-78; 8:45 am]

[TA-W-2376]

BROWN SHOE CO., MOUNTAIN GROVE, MO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 233 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2376: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 26, 1977, in response to a worker petition received on September 21, 1977, which was filed on behalf of workers and former workers producing women's shoes at the Mountain Grove, MO., plant of the Brown Shoe Co.

The Notice of Investigation was published in the FEDERAL REGISTER on October 14, 1977, (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear, except athletic, increased, in absolute terms, from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 0.2 percent from 1975 to 1976, and declined 8.9 percent in the first nine months of 1977 compared to the same period of 1976. The ratios of imports to domestic production and consumption declined from 119.1 percent and 54.4 percent, respectively, in 1975 to 117.9 percent and 54.1 percent, respectively, in 1976. The same ratios increased from 119.9 percent and 54.5 percent, respectively, in the first nine months of 1976 to 124.9 percent and 55.5 percent, respectively, in the same period of 1977.

The International Trade Commission recently found that certain footwear articles, including women's nonrubber shoes, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to domestic producers. In the women's nonrubber footwear industry, the ratio of imports to domestic production has been greater than 99 percent in each of the past five years, reaching a peak level of 124.9 percent in the first nine months of 1977.

Brown Shoe Co. began importing women's shoes in November, 1975. The company's imports increased 10 percent in quantity from fiscal year 1976 to fiscal year 1977, where the fiscal year extends from November through October.

Retail customers of the Brown Shoe Co., who were surveyed, increased purchases of imported women's footwear in the first nine months of 1977, compared to the same period of 1976, while decreasing purchases from Brown.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Mountain Grove, MO., plant of the Brown Shoe Co. contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Mountain Grove, MO., plant of the Brown Shoe Co. who became totally or partially separated from employment on or after December 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10878 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2699]

CANNONSBURG POTTERY INC., CANNONSBURG, PA.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department

of Labor herein presents the results of TA-W-2699: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1977 in response to a worker petition received on November 22, 1977 which was filed on behalf of workers and former workers producing dinnerware and crock pots at the Cannonsburg, Pa. plant of Cannonsburg Pottery Inc.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 63485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cannonsburg Pottery, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. It is concluded that all of the group eligibility requirements have been met.

Most of Cannonsburg's sales in 1975 and in 1976 were earthen dinnerware and liners for slow cookers. Imports of these products are included in the import statistics for earthenware household table and kitchen articles. United States imports of earthenware household table and kitchen articles decreased from 14,391 thousand dozen pieces in 1974 to 14,382 thousand dozen pieces in 1975 and increased to 19,165 thousand dozen pieces in 1976.

The ratio of imports to domestic production of earthenware household table and kitchen articles decreased from 140.8 percent in 1974 to 134.5 percent in 1975 and increased to 196.1 percent in 1976.

A survey of some of Cannonsburg's customers revealed that some of the customers reduced purchases from Cannonsburg and increased purchases of imported earthenware articles in 1976 compared to 1975. Cannonsburg Pottery, Inc. ceased production in January 1977 and later permanently closed. Most of the workers at Cannonsburg Pottery, Inc. were separated in February 1977 but a few remained for closing operations until September, 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the earthenware articles produced at the Cannonsburg, Pa. plant of Cannonsburg Pottery, Inc. contributed importantly to the sales and production declines and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Cannonsburg, Pa. plant of Cannonsburg Pottery, Inc. who became totally or partially separated from employment on or after November 16, 1976 and before December 31, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated after December 31, 1977 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10879 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2527]

CHENEY BROTHERS, INC., MANCHESTER, CONN.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2527: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1977 in response to a worker petition received on October 19, 1977 which was filed on behalf of workers and former workers producing velvet cloth and upholstery fabric at the Manchester, Conn. plant of Cheney Brothers, Inc., a subsidiary of Gerly & Co.

The Notice of Investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Cheney Brothers, Inc., its customers, the American Textile Manufacturers Institute, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. The investigation has revealed that all of the requirements have been met.

Inasmuch as all types of finished fabric, dyed and printed, are generally interchangeable and substitutable suitable in their end uses, all types of finished fabric may be considered like or directly competitive with the fabric produced by Cheney Brothers.

Aggregate imports of finished fabric (including dyed and printed) increase from 408 million square yards in 1975 to 464 million square yards in 1976, an increase of 14 percent, then increased from 343 million square yards in the January-September period of 1976 to 344 million square yards in the like period in 1977. The ratios of imports to domestic production and consumption increased from 1.6 percent for each in 1975 to 1.8 percent for each in 1976.

Customers reduced purchases of fabric from Cheney Brothers and increased purchases of imported fabric.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with finished fabric produced at the Manchester, Conn. plant of Cheney Brothers, Inc., contributed importantly to the decline in sales and to the separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Manchester, Conn. plant of Cheney Brothers, Inc., who became totally or partially separated from employment on or after April 1, 1977 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10880 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2787]

CLAIRTON WORKS, U.S. STEEL CORPORATION, CLAIRTON, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2787: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1977 in response to a worker petition received on December 9, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel products at the Clairton Works of U.S. Steel Corporation in Clairton, Pa. This investigation was confined to workers engaged in em-

ployment related to the production of carbon steel plate, bar-size light shapes and structural shapes at the plant. Workers at the Clairton Works engaged in employment related to the production of structural shapes were previously certified as eligible to apply for adjustment assistance on September 12, 1977 (TA-W-1431).

The Notice of Investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or an appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of some of the customers who purchased carbon steel plate and bar-size light shapes from the Clairton Works. None of the customers surveyed purchased any imported plate or bar-size light shapes in 1976 or 1977. Those customers who reduced purchases from the Clairton Works attributed the declines to a lack of demand for the products or a switch to other domestic suppliers of the products.

CONCLUSION

After careful review, I conclude that all workers engaged in employment related to the production of carbon steel plate and bar-size light shapes at the Clairton Works of U.S. Steel Corporation in Clairton, Pa. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Workers at the Clairton Works engaged in employment related to the production of structural shapes remain certified as eligible to apply for adjustment assistance under TA-W-1431.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10881 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2462]

CLASSIC WEAVING CORP. NORTH BERGEN, N.J.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2462: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 13, 1977 in response to a worker petition received on October 6, 1977 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing textile weaving for furniture at the Classic Weaving Corp., North Bergen, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56377). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Southern Worsted Corp., Classic Weaving Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of all finished fabric (including upholstery fabric) declined in each year from 1973 through 1975. Imports then increased 14 percent from 1975 to 1976 and increased 0.3 percent in the first 9 months of 1977 compared to the like period of 1976. The ratios of imports to domestic production and consumption increased from 1.6 percent, respectively, in 1975, to 1.8 percent, respectively, in 1977.

Upholstery fabric woven at Classic was sold as finished fabric.

Customers of Classic Weaving Corp., who were surveyed, increased purchases of imported upholstery fabric in 1976 and the first 9 months of 1977, while decreasing purchases from Classic.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with upholstery fabric produced at Classic Weaving Corp., North Bergen, N.J. contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Classic Weaving Corp., North Bergen, N.J. who became totally or partially separated from employment on or after September 27, 1976 and before November 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All workers who became totally or partially separated on or after November 1, 1977 are denied eligibility.

Signed at Washington, D.C., this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10882 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2095]

COAMO KNITTING MILLS, COAMO, PUERTO RICO

Revised Certification of Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on January 31, 1978, applicable to workers and former workers producing men's knit sport shirts at Coamo Knitting Mills, Coamo, Puerto Rico. The Notice of Certification was published in the FEDERAL REGISTER on February 7, 1978, (43 FR 5095).

At the request of the petitioner, a further investigation was instituted by the Director of the Office of Trade Adjustment Assistance. A review of the case revealed that some layoffs of workers occurred in March, 1977. These layoffs were not covered by the original impact date of May 27, 1977.

The intent of the certification is to cover all workers at Coamo Knitting Mills who were affected by the decline in production of men's knit sport shirts related to import competition. The certification, therefore, is revised, providing a new impact date of March 4, 1977.

The revised certification applicable to TA-W-2095 is hereby issued as follows:

All workers of Coamo Knitting Mills, Coamo, Puerto Rico, owned and operated by Colebrook Mills, Inc., Hialeah, Fla., a wholly-owned subsidiary of Bobbie Brooks, Inc., Cleveland, Ohio, who became totally or partially separated from employment on or after March 4, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10883 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2254]

CROWN PANTS CO., HAMMONTON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2254: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 15, 1977 in response to a worker petition received on August 15, 1977, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's pants at Crown Pants Co., Hammonton, N.J.

The notice of investigation was published in the FEDERAL REGISTER on September 2, 1977 (42 FR 44298). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crown Pants Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of men's and boys' dress and sport trousers and shorts decreased absolutely and relative to domestic production from 1972 to 1974. In 1975 the volume of imports rose to 55,508 thousand units and increased in 1976 to 73,209 thousand units. In the first 9 months of 1977 imports increased to 54,375 thousand units compared to 50,927 thousand units in the same period of 1976.

The ratio of imports to domestic production increased from 34.1 percent in 1975 to 41.9 percent in 1976.

Imports of men's and boys' tailored suits increased absolutely and relative to domestic production every year from 1972 to 1976. In 1975 the volume of imports was 3,106 thousand units and increased to 3,562 thousand units in 1976. In the first nine months of 1977 imports increased to 3,134 thousand units compared to 2,518 thousand units in the same period of 1976.

The ratio of imports to domestic production increased from 18.3 percent in 1975 to 20.0 percent in 1976.

CONTRIBUTED IMPORTANTLY

A survey of the manufacturers for which Crown Pants Co. produces revealed that one manufacturer which represents the major portion of Crown Pants Co.'s production, purchases imported men's pants indirectly.

The customers of this manufacturer increased purchases of imported men's suit pants and decreased purchases from the manufacturer in 1976 and 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's pants produced by Crown Pants Co., Hammonton, N.J. contributed importantly to decrease in sales and production and to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Crown Pants Co., Hammonton, N.J. engaged in employment related to the production of men's pants who became totally or partially separated from employment on or after August 10, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10884 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2514]

DICTAPHONE CORP., BRIDGEPORT, CONN.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2514: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on October 27, 1977, in response to a worker petition received on October 26, 1977, which was filed by the Dictaphone Employees Federal Labor Union No. 24760, AFL-CIO, on behalf of workers and former workers producing dictating systems and belt desktop dictating machines at the Bridgeport, Conn. plant of the Dictaphone Corp. This investigation was confined to production of dictating systems and belt desktop dictating machines at the Bridgeport plant. Workers engaged in employment related to the production of desktop cassette dictating machines were previously certified under TA-W-2119.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59132). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Dictaphone Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met:

Imports of dictating machines increased 195.7 percent from 1972 to 1974 and then decreased 20.9 percent from 1974 to 1975. Imports then increased 31.7 percent in 1976 compared to 1975 and 34.2 percent in the first half of 1977 compared to the first half of 1976. The ratio of imports to domestic production increased from 186.9 percent in 1975 to 244.2 percent in 1976 and increased from 186.6 percent during the first half of 1976 to 250.8 percent during the first half of 1977.

Company imports of dictating equipment (as reflected in company sales of imported machines) decreased in quantity in 1975 compared to 1974 and then increased in 1976 compared to 1975. Company imports decreased in the first half of 1977 compared to the first half of 1976. Company imports of desktop cassette dictating machines began in July of 1977 and are replacing the belt desktop models that are being discontinued.

A survey of customers who purchased dictating systems from the Dictaphone Corp. indicated that customers increased their purchases of imports while decreasing purchases from Dictaphone in 1976 compared to 1975 and in the first 9 months of 1977 compared to the same period in 1976. Price was the key factor in the customers' purchasing habits.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with dictating systems and belt desktop dictating machines produced at the Bridgeport, Conn. plant of the Dictaphone Corp. contributed importantly to the decrease in sales and to the total or partial separations of the workers of that plant. In accordance with the provisions of the act, I make the following certification:

All workers producing dictating systems and belt desktop dictating machines at the Bridgeport, Conn. plant of the Dictaphone Corp. who became totally or partially separated from employment on or after July 2, 1977, are eligible to aply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Workers at the Bridgeport, Conn. plant previously certified under TA-

W-2119 remain eligible to apply for adjustment assistance.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10859 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2317]

E & S SPORTSWEAR, INC. PATERSON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2317: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 6, 1977 in response to a worker petition received on September 1, 1977 which was filed on behalf of workers and former workers producing ladies' and juniors' coats at E & S Sportswear, Inc., Paterson, N.J. The investigation revealed that only juniors' coats are produced.

The Notice of Investigation was published in the FEDERAL REGISTER on September 23, 1977 (42 FR 48148). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of E & S Sportswear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysis and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of women's, misses' and children's coats and jackets increased from 1,517 thousand dozen in 1975 to 2,252 thousand dozen in 1976, and increased from 1,680 thousand dozen in the first three quarters of 1976 to 2,081 thousand dozen in the first three quarters of 1977.

The ratio of imported women's, misses' and children's coats and jackets to domestic production increased from 38.9 percent in 1975 to 57.5 percent in 1976.

E & S Sportswear is a contractor that produces juniors' coats for one manufacturer. A survey revealed that the manufacturer increased purchases of imported coats while decreasing contract work with E & S Sportswear in 1976 and 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with juniors' coats produced by E & S Sportswear, Inc., Paterson, N.J. contributed importantly to the decrease in production and to the total or partial separation of workers at the firm. In accordance with the provisions of the Act, I make the following certifications:

All workers at E & S Sportswear, Inc., Paterson, N.J. who became totally or partially separated from employment on or after August 30, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10860 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2470]

FLORSHEIM SHOE CO., ONE FLORSHEIM DRIVE, ANNA, ILL.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2470: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 17, 1977, in response to a worker petition received on October 4, 1977, which was filed by the Retail Clerks' International Union on behalf of workers and former workers producing men's dress and casual shoes at the One Florsheim Drive, Anna, Ill., plant of the Florsheim Shoe Co. The Notice of Investigation incorrectly stated that the petition had been filed by the United Shoe Workers of America.

The Notice of Investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58210). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Florsheim Shoe Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of men's dress and casual footwear increased 23.6 percent from 1975 to 1976, and declined 1.6 percent in the first nine months of 1977 compared to the same period of 1976. The ratios of imports to domestic production and consumption increased from 58.7 percent and 37.0 percent, respectively, in 1975 to 70.4 percent and 41.3 percent, respectively, in 1976. The same ratios increased from 69.1 percent and 409 percent, respectively, in the first nine months of 1976, to 750 percent and 42.8 percent, respectively, in the same period of 1977.

The U.S. International Trade Commission recently found that certain footwear articles, including men's dress and casual shoes, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles. In the case of men's dress and casual footwear, the ratio of imports to domestic production has been greater than 50 percent in each of the past five years, reaching a peak level of 75.0 percent in the first nine months of 1977.

Production of men's shoes at Florsheim's Anna plant, as well as total company production, declined from 1976 to 1977. The company increased its sales, however, from 1976 to 1977 by selling from inventory, which had doubled in quantity by the end of 1976 as compared to the year-end level in 1975.

The inventory accumulation in 1976 and the resulting cut-back in production in 1977, when the company began selling from inventory, can be linked to the import influence in the industry, in accordance with the findings of the International Trade Commission as stated above. The Commission had considered factors other than imports that have been alleged as more important causes of injury to the domestic footwear industry, such as the recent recession and inability to keep pace with technological and style changes. However, the Commission concluded that, although such factors may have contributed in part, imports have been the most important cause of injury.

CONCLUSION

After careful review of the facts obained in the investigation, I conclude that increases of imports like or directly competitive with men's dress and casual shoes produced at the One Florsheim Drive, Anna, Ill., plant of the Florsheim Shoe Co. contributed importantly to the decline in producton and to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the One Florsheim Drive, Anna, Ill, plant of the Florsheim Shoe Co. who became totally or partially separated

from employment on or after September 22, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 78-10861 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2380 and 2381]

FT. SMITH STRUCTURAL STEEL CO., FT. SMITH, ARK. AND VAN BUREN, ARK.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2380 and TA-W-2381: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on September 27, 1977, in response to a worker petition received on September 22, 1977, which was filed by the International Association of Bridge, Structural and Ornamental Iron Workers on behalf of workers and former workers producing structural and miscellaneous steel at the Muskogee, Okla., plant of Frontier Steel Co. The petition was expanded to include workers producing fabricated structural steel at the Ft. Smith (TA-W-2380) and Van Buren (TA-W-2381) Ark., plants of Ft. Smith Structural Steel. A separate investigation was conducted with regard to Frontier Steel Co. (TA-W-2383).

The Notice of Investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65309) with reference to the Ft. Smith plant and on February 24, 1978 (43 FR 7733) with reference to the Van Buren plant of Ft. Smith Structural Steel Co. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Frontier Steel Co., the Ft. Smith Structural Steel Co. and its customers, potential customers of Ft. Smith Structural Steel, industry sources, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

In the first nine months of 1977, imports of fabricated structural steel increased 52 percent to 117,900 tons from 77,500 tons in the first nine months of 1976.

The ratio of imports to domestic shipments of fabricated structural steel increased to 2.3 percent in 1975, and increased further in 1976 to 2.5 percent. In the first nine months of 1977, the ratio increased to 4.5 percent from 2.7 percent in the first nine months of 1976.

Ft. Smith Structural Steel is a regional fabricator, i.e., it submits bids on projects to be constructed in its geographical area. This area would consist chiefly of Arkansas, Oklahoma, Missouri, Tennessee, Mississippi, and Louisiana.

The Department conducted a study of some of the bids lost by Ft. Smith Structural Steel in 1976 and 1977. This survey revealed that several projects on which Ft. Smith Structural Steel submitted bids in 1976 were lost to foreign firms who submitted bids as much as 20 percent lower than all domestic bidders. These projects were of considerable tonnage and could have represented a substantial amount of sales for Ft. Smith Structural Steel Co.

The Department also contacted sources within the domestic fabrication industry as well as general contractors. General contractors are the customers for whom Ft. Smith Structural Steel Co. would supply fabricated steel for construction projects.

These sources indicated that in Ft. Smith Structural Steel's sales area, a small number of domestic fabricating firms would normally compete for the subcontract to furnish fabricated structural work for a given project. On large tonnage projects more than one company would frequently be awarded a portion of the contract to supply fabricated steel, such as those lost to foreigners in 1976. Thus, the loss of a contract affects not only the low domestic bidder, but the other competitive bidders as well.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the fabricated structural steel produced at the Ft. Smith and Van Buren, Ark., plants of Ft. Smith Structural Steel Co. contributed importantly to the decrease in sales and production and to the separations of workers at those plants. In accordance with the provisions of the Act, I make the following certification:

All workers at the Van Buren and Ft. Smith, Ark., plants of the Fort Smith Structural Steel Co. who became totally or partially separated from employment on or after September 15, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10862 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2383]

FRONTIER STEEL CO., INC., MUSKOGEE, OKLA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2383: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 27, 1977, in response to a worker petition received on September 22, 1977, which was filed by the International Association of Bridge, Structural and Ornamental Iron Workers on behalf of workers and former workers producing fabricated structural steel at the Muskogee, Okla., plant of Frontier Steel Co., Inc. The petition on behalf of the workers at Frontier Steel Co. also included workers producing fabricated structural steel at the Van Buren and Ft. Smith, Ark., plants of Ft. Smith Structural Steel Co. (TA-W-2380 and TA-W-2381). A separate investigation was conducted with regard to Ft. Smith Structural Steel Co.

The Notice of Investigation was published in the FEDERAL REGISTER on February 7, 1978 (43 FR 5100). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Frontier Steel Co., its customers, potential customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry sources, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of fabricated structural steel decreased in 1973 to 125,000 tons

from 133,700 tons in 1972, and continued decreasing in 1974 to 91,500 tons. Imports increased in 1975 to 99,300 tons, then decreased in 1976 to 94,400 tons. In the first nine months of 1977, imports increased 52 percent to 117,900 tons from 77,500 tons in the first nine months of 1976.

The ratio of imports of fabricated structurals decreased in 1973 to 2.5 percent from 2.8 percent in 1972, decreased again in 1974 to 2.0 percent, increased to 2.3 percent in 1975, and increased further in 1976 to 2.5 percent. In the first nine months of 1977, the ratio increased to 4.5 percent from 2.7 percent in the first nine months of 1976.

The Department contacted former customers of Frontier Steel Co., potential customers, industry sources, and an official of the Federal Highway Administration in order to analyze the effects of imports as well as construction declines on the subject firm.

The results of these contacts indicated that there was some import influence that may have affected the subject firm in the time period 1970 through 1972-1973. But there is no indication that Frontier Steel submitted a bid on any project won by foreign firms after 1972. A more important factor that may have affected Frontier Steel's business was a decline in construction overall, and specifically in areas in which Frontier specialized, such as highway bridges. The average number of miles completed annually of Federal interstate highway construction averaged approximately 39 percent lower in the period 1973 through 1977 than the average number of miles completed annually in the period 1971-1972.

The average number of U.S. shipments of fabricated structural steel decreased each year from 1973 through 1977, reflecting the decline in overall construction during this period.

Conclusion

After careful review I conclude that all workers at Frontier Steel Co., Inc., Muskogee, Okla., are denied eligibility to apply for adjustment assistance under Title II, Chaper 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1978.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10863 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2975]

GORALNICK SHOE TRIMMING CO., INC., HAVERHILL, MASS.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2975; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1978, in response to a worker petition received on January 12, 1978, which was filed on behalf of workers and former workers cutting and embossing socklinings at Goralnick Shoe Trimming Co., Inc., Haverhill, Mass.

The notice of investigation was published in the Federal Register on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Goralnick Shoe Trimming Co., Inc., publications of the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The evidence developed in the Department's investigation reveals that there are no separately identifiable imports of socklinings. The product is not listed as a separate item of any U.S. Tariff Schedule grouping. In addition, industry spokesmen indicated that imports of footwear components have been negligible in the 1970's.

Imports of shoes which incorporate socklinings of the same origin are not like or directly competitive with socklinings produced by workers at Goralnick Shoe Trimming Co., Inc.

Conclusion

After careful review of the facts, I conclude that all workers at Goralnick Shoe Trimming Co., Inc., Haverhill, Mass., be denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of April 1978.

Harry J. Gilman,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-10864 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-3005]

HANDLEY TEXTILES, INC., ROANOKE, ALA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3005: Investigation regarding certificatin of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 20, 1978, in response to a worker petition received on January 20, 1978, on behalf of workers and former workers producing industrial duck and greige goods at Handley Textiles, Inc. of Roanoke, Ala.

The notice of investigation was published in the Federal Register on February 17, 1978 (43 FR 7066). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Handley Textiles, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of cotton duck decreased from 40.9 million dollars in 1974 to 19.8 million dollars in 1975 before increasing 101.0 percent to 39.8 million dollars in 1976. Imports increased 4.0 percent from 27.6 million dollars in the first three-quarters of 1976 to 28.7 million dollars in the first three-quarters of 1977. The ratio of imports to domestic consumption increased from 15.7 percent in 1975 to 33.5 percent in 1976, then increased from 27.1 percent in the first three-quarters of 1976 to 37.2 percent in the first three-quarters of 1977.

A survey of customers who purchased woven cotton industrial fabric from Handley Textiles indicated that most had reduced purchases of fabric from the subject firm while increasing purchases of imported woven industrial fabric. Furthermore, the subject firm has increased its imports of cotton duck and allied fabric substantially since 1975 in attempting to

retain customer accounts. Those customers purchasing imported industrial fabric indicated that the imported fabric was steadily replacing that fabric purchased from Handley Textiles and other domestic sources. The factor most often cited by these customers as influencing their decision to shift purchases in the direction of imported fabric was that of the price advantages afforded by foreign mills.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the woven cotton industrial fabric produced by Handley Textiles, Inc. of Roanoke, Ala. contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Handley Textiles, Inc. of Roanoke, Ala. who became totally or partially separated from employment on or after July 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10866 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2531]

HANNA-BARBERA PRODUCTIONS, INC., HOLLYWOOD, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2531: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1977, in response to a worker petition received on October 19, 1977, which was filed by the International Alliance of Theatrical Stage Employees on behalf of workers and former workers producing cartoon animation for Saturday morning children's cartoons at the Hollywood, Calif., Studios of Hanna-Barbera Productions, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hanna-Barbera Productions, Inc., the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that the production of animation has not been adversely affected at Hanna-Barbera.

Production of cartoon series for which the animation was domestically produced at Hanna-Barbera's Hollywood studios, measured in film footage, increased from fiscal year 1976 to fiscal year 1977, and from fiscal year 1977 to fiscal year 1978, where the fiscal year extends from April through March. Production, in terms of the number of episodes, also increased from fiscal year 1976 to fiscal year 1977 and from fiscal year 1977 to fiscal year 1978.

The petitioners alleged that the term of employment of animators by Hanna-Barbera could have been extended during fiscal year 1978 if the company had not sub-contracted any animation production to foreign studios. However, the investigation revealed that production of animation for all of the cartoon series ordered in a given product year must be completed in a six-month period, in order to meet the delivery deadline to the networks. Therefore, the animation phase of production cannot be spread out evenly over the year. An increase in the number of series ordered results in an increase in the amount of animation production which must be completed within the six-month timetable.

Animators are hired at the beginning of each product season from the Union pool every year, strictly on a seasonal basis. This hiring practice is governed by the Union contract. All animators are released from employment every year at the end of the animation phase of production, which is normally in September. A sufficient number of animators must be hired at the beginning of each season to complete the given number of orders within the six-month period dictated by the delivery deadline.

The number of cartoon episodes ordered from Hanna-Barbera for the fiscal year 1978 product season was 122 percent greater than the number produced in fiscal year 1977. Employment of animators increased 73 percent from fiscal year 1977 to fiscal year 1978. However, since the number of animators needed to produce the required volume of animation for that season were not available, Hanna-Barbera contracted some of the animation work to foreign studios. Thus, increased imports of animation are a direct result of an increase in the volume of work which must be completed in a limited amount of time, whenever the available supply of domestic animators is insufficient to meet the demand.

CONCLUSION

After careful review, I conclude that all workers producing cartoon animation at the Hollywood, Calif., studios of Hanna-Barbera Productions, Inc., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10867 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2976]

HY-GAIN ELECTRONICS CORP., LINCOLN, NEBR., MIAMI, FLA.; HUMACAO, SAN LORENZO, AND NAGUABO, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2976: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1978, in response to a worker petition received on January 17, 1978, which was filed on behalf of workers and former workers producing citizen band radios and antennas at Hy-Gain Electronics Corp., Lincoln, Nebr. The investigation was expanded to include workers at Hy-Gain de Puerto Rico; Humacao, San Lorenzo, and Naguabo, P.R.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hy-Gain Electronics Corp., its customers, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act

must be met. It is concluded that all of the requirements have been met.

The Department's investigation revealed that imports of both CB radio mobile units and base stations increased relative to domestic production in each year from 1974 to 1977. Imports of mobile CB radios exceeded domestic production more than fourfold in 1977; imports of base stations exceeded domestic production more than nine-fold. Imports of CB antennas also increased relative to domestic production in each year from 1974 to 1977, increasing from 64.5 percent in 1976 to 72.9 percent in 1977.

Customers of Hy-Gain Electronics who were surveyed increased purchases of imports relative to purchases of CB radios and antennas from Hy-Gain. The customers also indicated that a large proportion of the radios purchased from domestic firms were produced offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with CB radios and antennas produced by Hy-Gain Electronics Corp. contributed importantly to the decline in sales and production and separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Hy-Gain Electronics Corp. facilities located in Lincoln, Nebr. (including regional sales offices); Miami, Fla.; and Humacao, San Lorenzo, and Naguabo, P.R. who became totally or partially separated from employment on or after January 11, 1977, are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-10868 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2326]

J. F. McELWAIN CO., NASHUA, N.H.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2326: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 12, 1977, in response to a worker petition received on September 2, 1977, which was filed by the New Hampshire Shoe Workers Union on behalf of workers and former workers producing men's dress shoes at the Nashua, N.H. F-factory of the J. F. McElwain Co.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the J. F. McElwain Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that the J. F. McElwain Co.'s F-factory, which closed at the end of September 1977, had only two customers. One customer, which was relatively small, did not purchase imported men's dress shoes. The plant's major customer increased purchases from McElwain in 1976 compared to 1975. In the first nine months of 1977, this customer decreased purchases from McElwain and from foreign sources due to the general economic downturn in the market for men's dress shoes. U.S. consumption of men's dress shoes declined 7 percent in the first half of 1977 compared to the same period in 1976.

CONCLUSION

After careful review I conclude that all workers at the Nashua, New Hampshire F-factory are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10888 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2570]

JONES AND LAUGHLIN STEEL CORP., SPECIALTY STEEL, CONDUIT DIVISION, NILES, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2570: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated November 7, 1977, in response to a worker petition received on October 25, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing all carbon steel products at Jones and Laughlin Steel Corp., Niles, Ohio. The investigation revealed that steel conduit pipe and transformer tubing were produced at the Niles, Ohio plant.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59584). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jones and Laughlin Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the impact of imports in the domestic market for steel conduit pipe has been small. Although imports of steel conduit increased from 904 short tons in 1975 to 5,078 short tons in 1976, over 98 percent of the imports represented fittings for conduit pipe as opposed to conduit pipe itself. Imports decreased from 848 short tons during the period January–September 1976 to 661 short tons during the same period of 1977. Only twice during the years 1972 to 1977 did the ratio of imports of steel conduit to domestic production exceed 1 percent. The ratio increased from .32 percent in 1975 to 1.7 percent in 1976. The ratio then de-

creased from .36 percent during the period January-September 1976 to .29 percent during the same period in 1977.

A survey of Niles' customers reflects the minor influence of imports of steel conduit in the market served by Niles. No customers who responded to the survey purchased imported conduit in either 1976 or 1977. Decreased purchases from Niles were attributed to reduced activity in the domestic construction industry and increased purchases from other domestic sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers at the Specialty Steel, Conduit Division of Jones and Laughlin Steel Corp., Niles, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10869 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2474]

LEADER DYEING AND FINISHING CO., INC., PATERSON, N.J.

Notice of Termination of Investigation

Pursuant to section 221 of the Trade act of 1974, an investigation was initiated on October 17, 1977, in response to a worker petition received on that date which was filed by three workers on behalf of workers and former workers employed in the dyeing and processing of textiles at the Leader Dyeing and Finishing Co., Inc., Paterson, N.J.

Notice of Investigation was published in the FEDERAL REGISTER on November 8, 1977, (42 FR 58210). No public hearing was requested and none was held.

On August 30, 1977, a petition was filed on behalf of the same group of workers (RA-W-2323). Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977, (42 FR 54031). No public hearing was requested and none was held. On January 18, 1978, the Department issued a Notice of Negative Determination which was published in the FEDERAL REGISTER on January 31, 1978, (42 FR 4140).

Since the identical group of workers was the subject of the recent denial (TA-W-2323), a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 3rd day of April 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-10870 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-1559T]

LEEMAR KNITTING MILLS, INC., LONG ISLAND CITY, N.Y.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on July 26, 1977, the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Leemar Knitting Mills, Inc., Long Island City, N.Y., engaged in employment related to the production of ladies' knit suits. The Notice of Certification was published in the FEDERAL REGISTER on August 2, 1977, (42 FR 39166).

Pursuant to section 223(d) of the Act and 29 CFR 90.17(a), the Director of the Office of Trade Adjustment Assistance has instituted an investigation to determine whether the total or partial separations of the certified workers of Leemar Knitting Mills, Inc., continue to be attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b), the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated, provided, that such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than

The record of the certification (TA-W-1559), containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of March 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-10871 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2656]

LINCOLN SPORTSWEAR CO., INC., BOSTON, MASS.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2656: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 23, 1977 in response to a worker petition received on November 14, 1977, which was filed on behalf of workers and former workers producing women's sportswear and jackets at Lincoln Sportswear Co., Inc., Boston, Mass. The investigation revealed that ladies' suit jackets were produced.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lincoln Sportswear Co., its manufacturers, the Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat therof, and to the absolute decline in sales or producton.

Evidence developed during the course of the investigation revealed that the impact of imports in the domestic market for women's, misses' and children's suits declined from 1975 to 1976 and in the first 9 months of 1977 compared to the same period in 1976. From 1975 to 1976 the ratio of imports to domestic production declined from 12.2 percent to 11.6 percent while imports decreased 1.0 percent in absolute terms. Imports fell by 16.3 percent in the first 9 months of 1977 compared to the same period for 1976.

A sample survey of Lincoln Sportswear's manufacturers reflected the declining influence of imports of women's misses' and children's suits in

the market served by Lincoln Sportswear. Manufacturers for whom Lincoln Sportswear performed all of its contract work in 1976 and over 90 percent in 1977 did not contract orders to foreign sources or purchase imported ladies suit jackets. These manufacturers increased their own sales of ladies' suit jackets in 1976 and 1977.

CONCLUSION

After careful review I conclude that all workers at Lincoln Sportswear Co., Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act 1974.

Signed at Washington, D.C. this 5th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10885 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2374]

MACON SHIRT CO., MACON, GA.

Revised Certification of Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on February 28, 1978, applicable to workers and former workers at the Macon Shirt Co., Macon, Ga. The Notice of Certification was published in the FEDERAL REGISTER on March 7, 1978, (43 FR 9385).

At the request of the State employment security agency, a further investigation was instituted by the Director of the Office of Trade Adjustment Assistance. A review of the case revealed that some layoffs of workers who were completing the shutdown of the plant occurred as late as November 11, 1977. These layoffs were not covered by the original certification period of October 11, 1976, through October 31, 1977.

The intent of the certification is to cover all workers at Macon Shirt Co., Macon, Ga., who were affected by the decline in production of men's shirts related to import competition. The certification, therefore, is revised, providing a new termination date of November 15, 1977.

The revised certification applicable to TA-W-2374 is hereby issued as follows:

All workers at the Macon Shirt Co. Macon, Ga., who became totally or partially separated from employment on or after October 11, 1976, and before November 15, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10886—Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2674]

MAXWELL & ROTHCHILD, INC., CINCINNATI, OHIO

Notice of Affirmative Determination Regarding Application for Reconsideration

On March 21, 1978, the petitioner, Amalgamated Clothing and Textile Workers Union, requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance. This determination was published in the FEDERAL REGISTER on March 3, 1978, (43 FR 8865).

The petitioner in this case raises one issue of substance. It maintains that workers engaged in cloth sponging on wool fabrics are an essential part of the production process on these fabrics. The petitioner maintains that the fact that, for reasons of economies of scale or tradition, the sponging process has been performed in separate plants or separate companies does not mean that it is a service rather than production of an article within the meaning of the Trade Act of 1974.

CONCLUSION

After review of the application, I conclude that the claim of the petitioner is of sufficient importance to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10887 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2387]

McGREGOR-DONIGER INC., DOVER, N.J., NEW YORK, N.Y.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2387: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 27, 1977 in response to a worker petition received on September 23, 1977 which was filed on behalf of workers and former workers producing men's clothing at the Dover, N.J. plant of McGregor-Doniger, Inc. and workers and former workers at the corporate offices of McGregor-Doniger, Inc. in Dover, N.J. and New York, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55316). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of McGregor-Doniger, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

A survey of customers of McGregor-Doniger, Inc. indicated that no customers increased purchases of imported outer jackets while decreasing purchases from McGregor-Doniger from 1975 to 1976 or from 1976 to 1977.

The number of outer jackets imported by McGregor-Doniger, Inc. decreased 1.8 percent from 1975 to 1976 and decreased 67.5 percent from the first 3 quarters of 1976 to the same period in 1977.

Production of jackets for leisure suits at the Dover plant represented a negligible proportion of plant production in 1976 and 1977.

Layoffs at the Dover, N.J. and New York, N.Y corporate offices of McGregor-Doniger, Inc. resulted from administrative cutbacks necessitated by decreased corporate sales. Workers at the corporate offices are not engaged in employment directly related to production at the Dover, N.J. production facility.

CONCLUSION

After careful review I conclude that all workers at the Dover, N.J. plant of McGregor-Doniger, Inc. and all workers at the corporate offices of McGregor-Doniger, Inc. in Dover, N.J. and New York, N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10889 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2132, 2136]

NORTH AND JUDD/WILCOX CRITTENDEN, MIDDLETOWN, CONN.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2132, 2136: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 8, 1977 in response to a worker petition received on June 8, 1977, which was filed by the United Auto Workers on behalf of workers and former workers producing hardware and marine hardware at North and Judd/Wilcox Crittenden of Middletown, Conn. During the course of the investigation, it was established that the specific product categories are snap hooks, marine pump housings and marine light housings. North and Judd/Wilcox Crittenden is one company, a subsidiary of Gulf and Western Industries, Inc.

The notice of investigation was published in the FEDERAL REGISTER on June 17, 1977 (42 FR 30936). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from North and Judd/Wilcox Crittenden, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of marine pump housings and marine light housings are not separately reported in official U.S. trade statistics. However, industry sources report no imports of such products for at least 8 years.

Imports of snap hooks have been small and did not change appreciably from 1975 to 1976 or in the first nine months of 1977 compared to the same period of 1976. From 1975 to 1976 the ratio of imports to domestic production of snap hooks decreased from 2.9 percent to 2.7 percent while imports increased 11.8 percent. The ratio increased from 2.6 percent during the first nine months of 1976 to 3.1 percent during the same period of 1977 while imports increased 13.7 percent.

Company imports of snap hooks and marine light housings decreased 12.6 percent from the August-July period of 1975-1976 to the same period of 1976-1977. The company does not import marine pump housings. The types of snap hooks and marine light housings imported by the firm are different than those that are produced domestically by North and Judd/Wilcox Crittenden. The ratio of company imports to net sales has been negligible and declining.

CONCLUSION

After careful revew I conclude that all workers at North and Judd/Wilcox Crittenden are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10890 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2935]

OREGON STEEL MILLS DIVISION, GILMORE STEEL CORP., PORTLAND, OREG.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2935: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 17, 1978 in response to a worker petition received on December 8, which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel products at the Direct Reduction Division, Gilmore Steel Corp., Portland, Oreg. The petition was expanded to include workers producing steel plate at the Oregon Steel Mills Division, Gilmore Steel Corp., Portland, Oreg.

The Notice of Investigation was published in the FEDERAL REGISTER on February 3, 1978 (43 FR 4696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Gilmore Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average employment of production workers at Oregon Steel Mills Division increased every month from January 1977 through August 1977 when compared to the previous month. On September 1, 1977, production workers at Oregon Steel Mills Division went on strike. The strike was settled on January 20, 1978 and workers began returning to work thereafter.

CONCLUSION

After careful review I conclude that all workers at Oregon Steel Mills Division, Gilmore Steel Corp., Portland, Oreg. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-10891 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2981]

PACIFIC TUBE CO., LOS ANGELES, CALIF.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2981: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1978 in response to a worker petition received on January 10, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel products at Pacific Tube

Co., Los Angeles, Calif. The investigation revealed that cold drawn steel tubing and steel bars are produced at the plant.

The notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Pacific Tube Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales of bar and tubing produced at Pacific Tube Co. each increased in constant dollars from 1976 to 1977. Sales of each product increased in every qarter of 1977 compared to the like quarter in 1976.

Pacific produces to customer specifications, therefore sales equal production.

CONCLUSION

After careful review I conclude that all workers at Pacific Tube Co., Los Angeles, Calif., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-10892 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2911]

PERSONAL SPORTSWEAR, SUBSIDIARY OF LESLIE FAY, INC., BOSTON, MASS.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2911: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 11, 1978, in response to worker petitions received December 22 and 28, 1977, which were filed by three workers on behalf of workers producing women's sportswear at the Boston, Mass. plant of Personal Sportswear, a subsidiary of Leslie Fay, Inc.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Personal Sportswear, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Personal Sportswear shared the same facilities in Boston with Breckenridge, Inc., another Leslie Fay subsidiary, until June 1977. Both companies produced women's sportswear and shared much of the workforce; workers for both companies were paid by Personal Sportwear. In June 1977 Personal Sportswear began moving its operations to Morrow, Ga., and a new Leslie Fay division, Fay's Closet, opened up in the vacated premises (Breckenridge remained in the Boston facilities). Fay's Closet produces missy sportswear.

Data for employment of production workers were available only as combined totals for the three companies. Employment increased in 1977 compared to 1976. One of the petitions alleges that employment at Personal Sportswear's Boston facility began declining in September 1977, concurrently with the company's move to Georgia. The data reveals increases in total employment in each quarter of 1977 compared to the like quarter in 1976. The domestic shift in Personal Sportswear's facilities resulted in an increase in total employment.

CONCLUSION

After careful review of the facts, I conclude that workers at the Boston, Mass., plant of Personal Sportswear are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10893 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2204]

RAYTHEON CO., MICROWAVE AND POWER TUBE DIVISION, MICROWAVE TUBE OPERATION, WALTHAM, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2204: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 11, 1977 in response to a worker petition received on July 11, 1977, which was filed on behalf of workers and former workers producing microwave oven cooker tubes at the Microwave and Power Tube Division plant of the Raytheon Co. in Waltham, Mass.

The notice of investigation was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39157). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Raytheon Co. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of microwave oven cooker tubes used in microwave ovens in terms of value decreased 14.7 percent in 1975 compared with 1974 and increased 88.5 percent in 1976 compared with 1975. Imports increased 40.9 percent in the first three quarters of 1977 compared with the first three quarters of 1976. The ratio of imports to domestic production increased from 159.4 percent in the first three quarters of 1976 to 469.7 percent in the first three quarters of 1977 after increasing from 138.0 percent in 1975 to 164.0 percent in 1976.

Raytheon Co. produced microwave oven cooker tubes exclusively for a manufacturing subsidiary of microwave ovens. In 1977, Raytheon discontinued all production of cooker tubes and began importing cooker tubes in place of this production. Company cooker tube requirements are currently completely supplied by imports.

CONCLUSION

After a careful investigation of the facts obtained in the investigation, it

is concluded that increases of imports like or directly competitive with the microwave oven cooker tubes produced by the Microwave Tube Operation of the Microwave and Power Tube Division plant of the Raytheon Co. in Waltham, Mass., contributed importantly to the decline in production and to the decline in total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Microwave Tube Operation of the Microwave and Power Tube Division plant of the Raytheon Co., in Waltham, Mass., engaged in employment related to the production of microwave oven power tubes who became totally or partially separated from employment on or after January 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10894 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-3341]

ROBERT HALL CLOTHES BLOOMFIELD, N.J.

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3341: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 9, 1978 in response to a worker petition received on February 24, 1978, which was filed on behalf of workers and former workers engaged in the retail selling of clothing at Bloomfield, N.J. store of Robert Hall Clothes. During the investigation it was revealed that the store sold men's, women's, and children's apparel.

The Notice of Investigation was published in the FEDERAL REGISTER on March 24, 1978 (43 FR 12400). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United Merchants and Manufacturing, Inc., Robert Hall Clothes, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

Evidence developed during the Department's investigation revealed that the retail store in Bloomfield, N.J. sold men's, women's, and children's apparel. In 1975 and 1976 over 90 percent of the volume of apparel sold in an average retail store, which includes the Bloomfield, N.J. store, was purchased from imported sources. Employees of the retail store were engaged in the retail selling of men's, women's, and children's apparel that they purchased predominantly from domestic sources other than Robert Hall, and from abroad. Since the retail store handled apparel which was purchased predominantly from sources other than Robert Hall, Clothes, it has been determined that it is not an " appropriate subdivision" of Robert Hall Clothes within the meaning of Section 222 of the Trade Act of 1974.

The retail store did not produce any articles and the Department of Labor has previously determined that the performance of services is not included within the term "articles", as used in Section 222(3) of the Act.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that the Bloomfield, N.J. retail store is not an "appropriate subdivision" of Robert Hall Clothes within the meaning of Section 222 of the Trade Act of 1974. Moreover, the services provided by the Bloomfield, N.J. retail store are not articles within the meaning of Section 222(3) of the Trade Act.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10865 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-3018]

SOULE STEEL CO., CARSON, CALIF.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 2, 1978 in response to a worker petition received on Januay 10, 1978 which was filed by the United Steelworkers of America on January 5, 1978 on behalf of workers and former workers producing fabricated reinforcing steel at the Carson, Calif. plant of Soule Steel Co.

Notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7066). No public hearing was requested and none was held.

The petitioner, United Steelworkers of America, requested withdrawal of the petition. The basis for the withdrawal was that no workers had been separated from employment at the Carson plant and no threat of separations was imminent.Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 31st day of March 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-10896 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2408]

STORE DECOR, INC., FAIRFIELD, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2408: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on October 3, 1977, in response to a worker petition received on September 28, 1977, which was filed on behalf of workers formerly producing store fixtures at Store Decor, Inc., Fairfield, N.J.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Store Decor, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, National Association of Store Fixture Manufacturers, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the impact of imports in the domestic market for store, bank, and office fixtures was negligible and did not change. From 1972 through 1976 the ratio of imports to domestic production remained constant at .07 percent.

CONCLUSION

After careful review I conclude that all workers at Store Decor, Inc., Fair-

field, N.J., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10897 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2984]

SUPERIOR TUBE CO., COLLEGEVILLE, PA.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2984: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1978 in response to a worker petition received on January 10, 1978 which was filed by the United Steelworkers of America on behalf of workers and former producing carbon steel products at the Collegeville, Pa. plant of Superior Tube Co. The investigation revealed that specialty tubing is produced at the plant.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Superior Tube Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales of specialty tubing produced at the Collegeville, Pa. plant of Superior Tube Co. increased in 1977 from 1976. Sales increased in every quarter of 1977 compared to the corresponding quarter in 1976. Superior produces to order, therefore sales equal production.

CONCLUSION

After careful review I conclude that all workers at the Collegeville, Pa. plant of Superior Tube Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-10898 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2349]

VINCENT BACH CORP., ELKHART, IND.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2349: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 14, 1977 in response to a worker petition received on September 9, 1977 which was filed on behalf of workers and former workers producing band instruments at Vincent Bach Corp., Elkhart, Ind.

The Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Vincent Bach Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of brasswind instruments, in terms of quantity, decreased 22.8 percent in 1976 compared to 1975 and increased 33.6 percent in the first 9 months of 1977 compared to the same period of 1976. The ratio of imported brasswinds (in units) to domestic production decreased from 23.4 percent in 1975 to 18.2 percent in 1976 and increased from 17.2 percent in the first 9 months of 1976 to 25.5 percent in the same period of 1977.

Imports of woodwind instruments, in terms of quantity, decreased 46.3 percent in 1976 compared to 1975 and decreased 3.1 percent in the first 9 months of 1977 compared to the same period of 1976. The ratio of imported woodwinds (in units) to domestic production decreased from 54.4 percent in 1975 to 27.1 percent in 1976 and increased from 22.6 percent in the first 9 months of 1976 to 23.3 percent in the same period of 1977.

A survey of customers of Vincent Bach revealed that some respondents have decreased purchases from Vincent Bach in 1976 and 1977 and increased purchases of imported instruments. Company imports of brasswinds increased in 1977 compared to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I concluded that increases of imports of articles like or directly competitive with brasswind and woodwind instruments produced at Vincent Bach Corp., Elkhart, Ind. contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Vincent Bach Corp., Elkhart, Ind. who became totally or partially separated from employment on or after September 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-10899 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2588]

U.S. STEEL CORP., FAIRLESS WORKS, FAIRLESS HILLS, PA.

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2588: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on October 31, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing pipe and tubing, hot and cold rolled sheets, carbon steel rods, tin mill products, carbon steel bar-size light shapes, wire and wire products and galvanized sheets at the Fairless Hills, Pennsylvania works of U.S Steel Corp. Workers engaged in employment related to the production of pipe and tubing at the Fairless Works have previously been certified as eligible to apply for adjustment assistance as a result of an earlier petition (TA-W-1437).

The notice of investigation was published in the FEDERAL REGISTER on No-

vember 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. With respect to workers engaged in employment related to the production of one of the following products: cold rolled sheets, bar-size light shapes or galvanized sheets, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

The investigation revealed that sales and production of each of the following products: cold rolled sheets, bar-size light shapes, and galvanized sheets from the Fairless Works increased in quantity in 1977 compared to 1976.

With respect to workers engaged in employment related to the production of one of the following products: hot rolled sheets, tin mill products, carbon steel rods, and wire and wire products, all of the group eligibility requirements of Section 222 of the Act have been met.

Imports of hot rolled sheets, carbon rods, and wire and wire products increased absolutely in 1976 compared to 1975 and continued to increase in the first three quarters of 1977 compared to the same 1976 period. Imports of tin mill products increased in the first three quarters of 1977 compared to the same 1976 period.

The ratio of imports relative to domestic shipments for all the above products increased in the first three quarters of 1977 compared to the same 1976 period.

The Department conducted separate surveys of some of the customers buying each of the above products from the Fairless Works in 1976 and 1977. In every survey, some of the customers indicated they reduced purchases from U.S. Steel and increased purchases from foreign sources. Some of the customers indicated that the import penetration of these products was affecting domestic market conditions.

Sales of carbon rods and wire and wire products increased in the last quarter of 1977 compared to the same 1976 period. This increase continued in the first two months of 1978 compared to the first two months of 1977.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with one of the following products: hot-rolled sheets, tin mill products, carbon steel rods, and wire and wire products, have contributed importantly to the decline in sales or production and to the total or partial separation of workers engaged in employment related to the production of each of these products at the Fairless Works.

In accordance with the provisions of the Act, I make the following certification:

All workers at the Fairless Works of U.S. Steel Corp., Fairless Hills, Pa. engaged in employment related to the production of either hot rolled sheets or tin mill products who become totally or partially separated from employment on or after October 20, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers at the Fairless Works of U.S. Steel Corp., Fairless Hills, Pa., engaged in employment related to the production of either carbon steel rods or wire and wire products who became totally or partially separated from employment on or after October 20, 1976, and before October 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated on or after October 1, 1977, are denied eligibility to apply for adjustment assistance.

I further conclude that all workers engaged in employment related to the production of one of the following products: cold rolled sheets, bar-size light shapes, or galvanized sheets at the Fairless Works of U.S. Steel Corp., Fairless Hills, Pa. are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 6th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10900 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2788]

U.S. STEEL CORP. RESEARCH LABORATORY, MONROEVILLE, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2788: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Secton 222 of the Act.

The investigation was initiated on December 14, 1977 in response to a worker petition received on December 7, 1977, which was filed by three workers on behalf of all workers at the U.S. Steel Corp.'s Research Laboratory in Monroeville, Pa.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corp. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. It is concluded that all of the criteria have been met.

The Research Laboratory performs services which are integral to the production of all of the steel products produced by the U.S. Steel Corp. Employees at various company manufacturing facilities engaged in employment related to the production of approximately 50 percent of the company's total production who became totally or partially separated from employment with various impact dates from October 15, 1975, through June 26, 1977 have previously been certified eligible for trade adjustment assistance benefits. See Department determinations for TA-W-1292, 1429, 1431, 1433, 1438, 1439, 1444, 1447, 1449, 1451, 1452, and 2135. The certifications for the above facilities will expire between March 18, 1979 and December 21, 1979 depending on the dates of the issuance of the determinations for the individual facilities unless terminated by the Department prior to the expiration dates.

Employment at the research laboratory did not decline significantly prior to the fourth quarter of 1977 when declines in employment became significant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the steel products produced at various locations of the U.S. Steel Corp. have contributed importantly to the total or partial separation of workers at the U.S. Steel Corp.'s Research Laboratory in Monreville, Pa. In accordance with the provisions of the Act, I make the following certification:

All workers at the U.S. Steel Corporation's Research Laboratory in Monroeville, Pennsylvania who became totally or partially separated from employment on or after October 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, 104Administration, and Planning.

[FR Doc. 78-10901 Filed 4-20-78; 8:45 am]

[4510-28]

[TA-W-2733]

WOLFF SHOE MANUFACTURING CO., UNION, MO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2733: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1977, in response to a worker petition received on November 29, 1977, which was filed on behalf of workers and former workers producing women's and misses' shoes at the Union, Mo. plant of the Wolff Shoe Manufacturing Co.

The Notice of Investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65307). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Wolff Shoe Manufacturing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

> That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that all workers employed in the production of women's and misses' shoes at Wolff Shoe Manufacturing Co. were terminated on or before December 16, 1977.

On December 17, 1975, workers at Wolff Shoe Manufacturing Co., Union, Mo., were certified eligible to apply for adjustment assistance (TA-W-200). That certification remained in effect until December 17, 1977.

Therefore, the earliest date for consideration under the present case, TA-W-2733, is December 18, 1977. However, all workers who were involved in the production of women's and misses' shoes were terminated on or before December 16, 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers at Wolff Shoe Manufacturing Co., Union, Mo., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-10902 Filed 4-20-78; 8:45 am]

[6820-36]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

TRANSPORTATION POLICY HEARINGS SET

Views on national transportation policy focusing primarily on energy production and transport; and also, inland waterway transportation, will be aired at a public hearing scheduled by the National Transportation Policy Study Commission for Monday, May 1, 1978, in New Orleans, La.

The hearings, part of a nationwide series planned by the Commission, are intended to help determine the needs of our Nation's communities, the transportation industry, shippers, the traveling public and the American taxpayer.

The Commission, composed of 19 members, including six Senators, six Representatives and seven public representatives, was created by Congress to examine, evaluate and analyze our Nation's transportation needs, and resources through the year 2000. The Commission's final report and policy recommendations are due on December 31, 1978.

The hearing will be held in the Ceremonial Court Room on the Fifth Floor of the Hale Boggs Federal Building and Courthouse, 500 Camp Street, New Orleans, La., commencing at 10 a.m.

Those interested in testifying personally or in submitting written statements should contact Mr. Edward Hamberger, NTPSC, 1750 K Street NW., Suite 800, Washington, D.C. 20006, telephone 202-254-7453.

Dated: April 17, 1978.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc. 78-10823 Filed 4-20-78; 8:45 am]

[4701-07]

DEPARTMENT OF STATE

[Public Notice CM-8/47]

Shipping Coordinating Committee

SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The panel on bulk cargoes of the Working Group on Subdivision and Stability—a component of the Shipping Coordinating Committee's (SCC) Subcommittee on Safety of Life at Sea (SOLAS)—will conduct an open meeting at 10 a.m. on Thursday, May 11, 1978, in room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of this meeting is to discuss the agenda items pertaining to bulk cargoes of the nineteenth session of the Subcommittee on Containers and Cargoes of the Intergovernmental Maritime Consultative Organization (IMCO).

Requests for further information on the meeting should be directed to Mr. Edward H. Middleton, U.S. Coast Guard (G-M/82), Washington, D.C. 20590, telephone 202-426-2170; or Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, N.Y. 10048, telephone 212-432-1280.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, JR.,
Acting Chairman, Shipping Coordinating Committee.

APRIL 13, 1978.

[FR Doc. 78-10829 Filed 4-20-78; 8:45 am]

[4910-61]

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

1978 NAVIGATION SEASON

Proposed Procedures for Closing; Extension of Comment Period

The Saint Lawrence Seaway Development Corporation, Department of Transportation, after consulting with its counterpart agency the St. Lawrence Seaway Authority of Canada, has determined to extend the period for public comment on proposed procedures for the closing of the 1978 navigation season until May 1, 1978. These procedures were published in the FEDERAL REGISTER, April 4, 1978 (43 FR 14197).

The Seaway entities of the United States and Canada continue to recognize the importance of an early announcement of closing procedures to shipping interests because of their possible affect on vessel scheduling and deployment.

Comments on the proposed procedures and requests for additional information should be addressed to: Robert J. Lewis, Director, Office of Systems and Economic Analysis, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue SW., 20591; telephone 202-426-3574. All comments submitted in response to this request will be available for examination by interested persons.

Issued in Washington, D.C., on April 17, 1978.

D. W. OBERLIN,
Administrator.

[FR Doc. 78-10908 Filed 4-20-78; 8:45 am]

[4910-62]

Office of the Secretary

PRIVACY ACT OF 1974

Additions, Changes, and Deletions to Notices of Systems of Records

The Department of Transportation herewith deletes five systems of records, publishes one new proposed system, and republishes one system notice which has been substantially changed by combining two systems. In addition, editorial changes to one system are published.

Any person or agency may submit written comments on the proposed systems to the Privacy Act Officer (M-20), Room 10319, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Comments must be received by May 30, 1978, to be considered.

If no comments are received, the proposed new system will become effective on June 1, 1978. If comments are received, the comments will be considered and where adopted, the system will be republished with the changes.

Issued in Washington, D.C. on April 17, 1978.

BROCK ADAMS,
Secretary of Transportation.

DELETIONS OF NOTICES

The following Notices of Systems of Records should be deleted from the Notices previously published by the Department and compiled in the FEDERAL REGISTER publication "Privacy Act Issuances, Annual Publication" Part IV, Volume 42, No. 181, September 19, 1977, (pages 47036-47151). The reason for deletion is shown with each system listed:

DOT/CG 621—No longer maintained.
DOT/CG 679—Combined with CG 678.
DOT/OST 005—Committee terminated.
DOT/OST 020—Systems discontinued.
DOT/OST 027—Abolished due to Reorganization.

CHANGES TO SYSTEM NOTICES

DOT/CG 633:

a. Under System Name add the word "Civilian" so that it reads "Coast Guard Civilian Personnel Security Program, DOT/CG."

b. Under categories of Individuals Covered by the System delete "Coast Guard Military" and "applicants for military enlistment or appointment."

c. Categories of records in the system: Change to read "Records of *civilian* security clearances granted. Correspondence and requests concerning *civilian* personnel security actions."

d. Delete the sentence in "Retention and Disposal" which reads "Military clearance based on documents held in the official service records."

e. In "Record Source Categories" delete "Military Personnel: Forms DD-398, DD-365, and CG-2765."

DOT/CG 678 and 679 were combined to form a single system which is republished as follows:

System number:

DOT/CG 678

System name:

Reserve Personnel Management Information System (Automated)

System location:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-RA/82), 400 7th Street SW., Washington, D.C. 20590.

Categories of individuals:

Reserve officers and enlisted personnel in an active or inactive status, with the exception of retired reservists, and including those reservists released from extended active duty to fulfill a specific term of inactive obligated service.

Categories of records:

Reserve Personnel Management Information System (RPMIS) contains the Master Personnel File and the Pay and Points File. Included in these files are the following data concerning each Coast Guard Reservist in this system: name, social security number, grade or rate, educational background, current assignment and date assigned, duty status, date of birth, date of enlistment, appointment, or extension, date of expiration of obligation, anniversary date, data on pay base date, aviation pay and administrative pay, training rating, reserve category and class, training/pay category, number of dependents, Federal withholding exemptions, Selective Service induction certification, date of completion of Ready obligation, officer experience indicator, last screening date and result, civilian occupation, date of last National Agency Check, date of last physical and immunizations, date of completion of extended active duty, annual training date, total retirement points and satisfactory years of service for retirement purpose, current year retirement point accounting data, including inactive duty training and active duty training participation and correspondence course activity, taxable wages paid and withholdings, uniform allowances, Servicemens Group Life Insurance (SGLI) information, and mailing address.

Routine uses:

The RPMIS is used for the personnel administration of individual reservists and the overall management of the reserve program. See Prefatory Statement of General Routine Uses. The Master Personnel File provides status and qualification listings, expiration of enlistment and physical reports, strength management reports, unit and district rosters, and advancement and promotion reports. The Pay and Points File provides point count statements, earning statements, budgeting reports, inactive duty and active duty pay, and retirement eligibility listings. The addresses of individual reservists are used for mailing paychecks, earning statements, "The Reservist," and Annual Screening Questionnaires. Records in this system are routinely disclosed to the Treasury Department to complete payroll checks. Used By: Authorized personnel from the Office of Reserve and the Office of Comptroller, authorized personnel on the staff of the various district commanders in the normal performance of their official duties, the Deputy Assistant Secretary of Defense for Manpower, Logistics and Reserve Affairs and others as authorized by Chief, Office of Reserve or his representative.

Policies and practices

Storage:

The storage is on computer disks with magnetic tape backups. The file is updated weekly.

Retrievability:

Individual records in the system are retrieved by Social Security Number.

Safeguards:

Magnitic tapes are stored in locked storage areas when not in use and are accounted for at all times during actual use. Personnel screening is employed prior to granting access.

Retention and disposal:

Magnetic tapes are used, corrected and updated until the tapes become physically deteriorated after which they are destroyed.

System manager:

Chief, Office of Reserve, Department of Transportation, United States Coast Guard Headquarters, Commandant (G-R), 400 7th Street SW., Washington, D.C. 20590.

Notification procedure:

Requests to determine if this system contains information on any individual should be made in person or in writing to: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 400 7th Street SW., Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures:

Procedures for access to records may be obtained by writing to or visiting Commandant (G-CMA) at the address in "Notification Procedures". Prior written notification of personal visit will insure that the record will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification or similar document will be considered suitable identification.

Contesting record procedure:

Same as "Record Access Procedure".

Record source categories:

Information contained in the system is obtained from the individual, Coast Guard Headquarters and district offices, and the various operating units of the Coast Guard.

NEW SYSTEM NOTICE

DOT/FAA 844 system of records was developed to record noise complaints by citizens at Dulles International, Washington National and JFK Airports. Telephones and a "Sound Complaint Center" are to be provided in the Washington, D.C. area, as well as in the FAA Eastern Region Headquarters at JFK in the New York area. Complaints received by mail will be similarly processed. The proposed system is as follows:

System number:

DOT/FAA 844.

System name:

FAA Airplane Noise Complaint System, DOT/FAA.

System location:

Federal Aviation Administration, Office of Environmental Quality, 800 Independence Avenue SW., Washington, D.C. 20591.

Categories of individuals covered by the system:

Individuals who complain to the FAA about airplane noise at Dulles and National Airports in the Washington, D.C. area and in the vicinity of JFK Airport in New York.

Categories of records covered by the system:

Name, address, date, time of day of complaint, and category of complaint which may include one or more of the following:

(a) Excessive noise
(b) Structure disturbance; e.g., vibrating windows
(c) Activity interruption; e.g., sleep disturbance
(d) Perceived danger
(e) Animal disturbance
(f) Flying too low
(g) Other; e.g., caused earache

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Tape. Original record of complaint will be destroyed following transfer of information to tape.

Retrievability:

By last name, address, complaint category, time of complaint.

Safeguards:

Directly concerned employees will be briefed in the provisions and requirements of the Privacy Act of 1974. These employees will be counseled as to the absolute requirements for confidentiality of the records under their control. They will be informed that appropriate disciplinary action will be taken for failure to comply with this requirement. Access to the system of records will be possible only to those agency employees with knowledge of a regularly changed password. The password will be conceived by the System Manager and divulged only to directly concerned employees. The original record will be destroyed following transfer of information to magnetc tape.

Retention and disposal:

Records are kept indefinitely.

System manager and address:

Director, Office of environmental Quality, AEQ-1, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591

In order to increase the level of safety of the proposed system of records, no other individuals will be designated for the position of System Manager.

Notification Procedure:

Individuals wishing to know if information pertaining to them appears in this system of records may inquire in person or in writing to the System Manager. The inquirer's name and address will be required in order to ascertain whether the system contains a record about that individual.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

All anticipated disclosures of records in the FAA Airplane Noise Complaint System will be to those officers and employees of the DOT and FAA who have a need for the record in the performance of their duties, thus bringing the system within the scope of 5 U.S.C. 552a(b)(1). No routine uses under 552a(b)(3) are anticipated other than those set forth in the Prefatory Statement of Routine Uses applicable to all DOT/FAA Systems of Records, which appeared in the FEDERAL REGISTER on September 19, 1977, (42 FR 47038).

Record access procedures:

Individuals who desire access to information about themselves in this system of records should either contact in person or address their written inquiries to the System Manager.

Contesting record procedures:

Individuals who desire to contest information about themselves in this system of records should contact or address their inquiries to the Administrator or his delegate at the following address:

Department of Transportation, Federal Aviation Administration, Office of the Administrator, 800 Independence Avenue SW., Washington, D.C. 20591.

Record source categories:

Information is obtained from individual noise complaints, on a voluntary basis. No specific forms will be used to obtain this information.

[FR Doc. 78-10914 Filed 4-20-78; 8:45 am]

[4510-29]
[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

Notice of Proposed Exemption Relating to a Transaction Involving the Macklanburg-Duncan Co. Pension Trust (Application No. D-693)

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Internal Revenue Service and the Department of Labor (the agencies) of a proposed exemption from certain taxes

imposed by the Internal Revenue Code of 1954 (the Code) and from the prohibited transactions restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the purchase by Macklanburg-Duncan Co. (the employer) of real property owned by the Macklanburg-Duncan Co. pension trust (the trust) and the past leasing of a portion of the property by a subsidiary of the employer. The proposed exemption, if granted, would affect participants and beneficiaries of the trust and the employer and its subsidiary.

DATE: Written comments and requests for a public hearing must be received by the Internal Revenue Service (the Service) on or before May 22, 1978.

ADDRESS: All written comments and all requests for a hearing (at least six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT:1 (D-693). The application for exemption and the comments received will be available for public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224, and in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Timothy S. Smith of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 202-566-6761 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the agencies of an application for exemption from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code and from the restrictions of section 406(a) and 406(b)(1) and 406(b)(2) of the Act. The proposed exemption was requested in an application filed by the employer pursuant to section 4975(c)(2) of the Code and section 408(a) of the Act, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722 and ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Agencies for a complete statement of the representations of the applicants.

1. As of June 29, 1976, the trust had 970 participants and an additional 85 persons receiving benefits. As of August 31, 1976, the trust's assets were valued at $4,748,819. The trustees of the trust are Richard L. Gaugler, William W. Hulsey, and Robert G. Breisch, all of whom are directors and principal executives of the employer. The plan administrator is Gordon E. Harrison.

2. The trust owns real estate located at 4411 and 4431 North Santa Fe, Oklahoma City, Okla., which is adjacent to the employer. The property is generally made up of two industrial buildings separated by a parking lot and a loading dock.

3. The property was originally acquired by the employer on August 1, 1962, for $185,000. On April 19, 1963, the employer conveyed the property to the trust for $185,000.

4. Between November 1963 and January 15, 1966, the trust expended approximately $92,518 on various improvements to the real estate and buildings, giving the property a total cost to the trust of $277,518.

5. The property has been leased by the trust to unrelated parties. In January 1976 the then current lessee notified the trust that it did not intend to renew its lease. The trust retained the services of an independent realtor to seek purchasers or lessees for the property. No offers to purchase the building were received. One local unrelated company indicated that it wished to lease the north portion of the building, leaving the south portion vacant. At that time, and in conjunction with plans to move a subsidiary of the employer, the American Level Manufacturing Co. (American Level), to Oklahoma City, it was determined that it would be in the best interest of the trust to sell the property to the employer who would then lease the south half of the premises to American Level.

6. American Level is presently leasing the south half of the property on a month-to-month lease pending disposition of the exemption request. American Level and the lessee of the north portion of the property are presently paying rent of approximately $1 per square foot. The prior lessee of the entire property was paying approximately $0.68 per square foot.

7. Two appraisals of the property dated September 16, 1976, and May 5, 1977, have been made. The first valued the property at between $353,000 and $377,000 and the second at $365,000. The book value of the property is $213,323.84. The first appraisal stated that the rental value of the south portion of the property was $0.90 to $1 per square foot. The second appraisal placed that value at $0.85 to $0.90 per square foot.

Notice to Interested Persons

Notice will be given to all interested persons by posting notices on all bulletin boards in the plant for active participants, and by mailing notices to persons receiving benefits from the trust who are not actively employed at this time. The notice will contain a copy of the notice of proposed exemption published in the Federal Register and will provide that any interested parties may request a hearing or submit comments within the period of time specified therein. The notice will be provided within 10 days of the publication of this notice of proposed exemption in the Federal Register.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person with respect to the plan to which the exemption is applicable from certain other provisions of the Code and the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act, nor does it affect the requirement of section 401(a) of the code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code and section 406(b)(3) of the Act;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code and section 408(a) of the Act, the agencies must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of the participants and beneficiaries; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code and Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Request

All interested persons are invited to submit written comments or requests

for a hearing on the pending exemption to the address above, within the time period set forth. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available with the application for exemption at the address set forth above.

PROPOSED EXEMPTION

Based upon the representations set forth in the application, the agencies are considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Procedure 75-1. If the exemption is granted, the taxes imnposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, and the restrictions of section 406(a) and section 406(b)(1) and 406(b)(2) of the Act, shall not apply to the sale of the real property located at 4411 to 4431 North Santa Fe, Oklahoma City, Okla. from the trust to the employer for $365,000 in cash, if the sale price is not less than the fair market value of the property and to the past leasing of the south portion of the property to American Level, if the rental payments were not less than the fair market rental value of the south portion of the property. The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 18th day of April 1978.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

IAN D. LANOFF,
Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 78-10911 Filed 4-19-78; 1:46 pm]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 642]

ASSIGNMENT OF HEARINGS

APRIL 18, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 41905 (Sub-No. 5), Illini-Swallow Lines, Inc., now assigned May 22, 1978, at Chicago, IL, will be held in Room 349, 230 South Dearborn Street.

MC 118989 (Sub-No. 165), Container Transit, Inc., now assigned May 17, 1978, at Chicago, IL, will be held in Room 905A, 536 South Clark Street.

MC 133233 (Sub-No. 52), Clarence L. Werner, d.b.a. Werner Enterprises, now assigned May 16, 1978, at Chicago, IL, will be held in Room 905A, 536 South Clark Street.

MC 51146 (Sub-No. 531), Schneider Transport, Inc., now assigned May 18, 1978, at Chicago, IL, will be held in Room 905A, 536 South Clark Street.

MC 74321 (Sub-No. 141), B. F. Walker, Inc., application is dismissed.

MC 140833, Glengarry Transport Ltd., now assigned May 15, 1978, at Washington, DC, is postponed to July 18, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 73165 (Sub-No. 421), Eagle Motor Lines, Inc., now assigned July 12, 1978, at Atlanta, GA, is advanced to April 26, 1978 (3 days), at Atlanta, GA, Room 305, 1252 West Peachtree Street NW.

MC 128273 (Sub-No. 277), Midwestern Distribution, Inc., now being assigned May 16, 1978 (2 days), at New Orleans, LA, and will be held in the East Courtroom, Room 223, U.S. Court of Appeals, 600 Camp Street.

MC 99610 (Sub-No. 17), Ross Neely Express, Inc., now assigned for prehearing conference April 27, 1978, at Washington, DC, is postponed indefinitely.

MC 109736 (Sub-No. 38), Capitol Bus Co., d.b.a. Capitol Trailways, is now assigned for hearing July 24, 1978 (1 week), at Williamsport, PA, at a location to be later designated.

MC 102616 (Sub-No. 935), Coastal Tank Lines, Inc., now assigned April 24, 1978, at Columbus, OH, is canceled and reassigned for May 4, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 43867 (Sub-No. 39), A. Leander McAlister Trucking Co., is now assigned for hearing May 23, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 144009, Allstates Trans-World Van Lines, Inc., now assigned for Prehearing Conference on May 15, 1978, at Washington, DC, is postponed to May 23, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 107012 (Sub-No. 250), North American Van Lines, Inc., now being assigned July 24, 1978 (10 days), at Chicago, IL, in a Room to be later designated.

MC 42487 (Sub-No. 873F), Consolidated Freightways Corp. of Delaware and MC 110683 (Sub-No. 128F), Smith's Transfer Corp.; are now assigned for prehearing conference April 21, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-10847 Filed 4-20-78; 8:45 am]

[7035-01]

[Notice No. 60]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 13, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9859 (Sub-No. 5TA), filed March 21, 1978. Applicant: KANE TRANSFER CO., 5400 Tuxedo Road Tuxedo, MD 20781. Applicant's representative: James W. Lawson, 1511 K Street NW, Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, classes A and B explosives, commodities in bulk, those of unusual value and those requiring special equipment), between Baltimore, MD, and points in the

Commercial Zone thereof, on the one hand, and, on the other, points and places in DE, MD, and VA, located east of the Chesapeake Bay and on and south of the Chesapeake and Delaware Canal, for 180 days. Supporting shipper(s): There are approximately (9) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: W. C. Hersman, District Supervisor, 12th and Constitution Avenue NW., Interstate Commerce Commission, Room 1413, Washington, DC 20423.

No. MC 20916 (Sub-No. 31TA), filed March 21, 1978. Applicant: JOHN T. SISK, Route 2, Box 182-B, Culpeper, VA 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Drawer C, Barryville, VA 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and pallets*, from the facilities of Pyramid Pallet Corp., on VA Hwy 522, approximately 4 miles south of Mineral, VA, to points in CT, DE, MD, NC, NJ, NY, OH, PA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pyramid Pallet Corp., Route 3, Mineral, VA 23117. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 47171 (Sub-No. 105TA), filed March 21, 1978. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, SC 29608. Applicant's representative: Harris G. Andrews, P.O. Box 4259, Greenville, SC 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dental or hospital supplies, including syringes and needles*, from the plantsite of Becton-Dickinson & Co. at North Canaan, CT, to Atlanta, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Becton-Dickinson & Co., Stanley Street, East Rutherford, NJ 07073. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 88182 (Sub-No. 3TA), filed March 21, 1978. Applicant: SHIRAR FEED CO., INC., P.O. Box 51, State Road 18, Flora, IN 46929. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients, insecticides, and poultry and livestock remedies*, from Shipshewana, IN, to points in OH; *and dry feed ingredients, insecticides, and poultry and livestock remedies*, from points in OH, to Shipshewana, IN, under a continuing contract, or contracts, with Hubbard Milling Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hubbard Milling Co., 424 North Front Street, Mankato, MN 56001. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 94265 (Sub-No. 246TA) (Correction), filed March 2, 1978, and published in the FEDERAL REGISTER issue of April 3, 1978, and republished as corrected this issue. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460, Windsor, VA 23487. Applicant's representative: Clyde W. Carver, 5299 Roswell Road, NE., Suite 212, Atlanta, GA 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from facilities of John Morell & Co., at or near Arkansas City, KS, Fort Smith, AR, and Wichita, KS, to points in CT, DE, MD, MA, NJ, NY, NC, PA, VA, and DC, for 180 days. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the above named facilities. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Morrell & Co., 208 South La Salle Street, Chicago, IL 60604. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 10502, Federal Building, 400 North Eighth Street, Richmond, VA 23240. The purpose of this republication is to correct the territorial description.

No. MC 102560 (Sub-No. 14TA), filed March 21, 1978. Applicant: FREILER TRUCK LINES, INC., P.O. Box 636, Amite, LA 70422. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, from the facilities of Elgin-Butler Brick Co., located in Bastrop County, TX, to points in AL, FL, LA, GA, SC, NC, and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Elgin-Butler Brick Co., P.O. Box 45019, Baton Rouge, LA 70895. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 106603 (Sub-No. 174TA), filed March 21, 1978. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from Elkhart and Syracuse, IN, to points in MI and WI, for 180 days. Supporting shipper(s): Weyerhaeuser Co., 201 Dexter Street West, Chesapeake, VA 23324. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Room 225, Federal Building, Lansing, MI 48933.

No. MC 107403 (Sub-No. 1069TA), filed March 21, 1978. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rum* (in bulk, in tank vehicles), from South Boston, MA, to Allen Park, MS, Durham and Greensboro, NC, Hartford, CT, Owensboro, KY, and Menlo Park, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Felton & Son, Inc., 516 East Second Street, South Boston, MA 02127. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 111231 (Sub-No. 230TA) (Correction) filed March 14, 1978, and published in the FEDERAL REGISTER issue of April 4, 1978, and republished as corrected this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representatives: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, AL, and Meridian, MS, over Interstate Hwy 20, serving no intermediate points, but serving points in the

commercial zones of Birmingham and Meridian. Restriction: Restricted to traffic originating at or destined to points in MS or LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (90) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies therof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201. The purpose of this republication is to change irregular routes to regular routes, and also to add a restriction.

NOTE.—The applicant intends to tack at Birmingham and Meridian.

No. MC 112223 (Sub-No. 110TA), filed March 21, 1978. Applicant: QUICKIE TRANSPORT CO., 1700 New Brighton Boulevard, NE., Minneapolis, MN 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, from Grand Forks, ND, to points in MN and ND, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Farmers Union Central Exchange, Inc., CENEX, P.O. Box 43089, St. Paul, MN 55164. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, 110 South 4th Street, U.S. Court House, Minneapolis, MN 55401.

No. MC 113362 (Sub-No. 322TA), filed March 21, 1978. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper*, from the facilities of Bowater Southern Paper Corp., at or near Calhoun, TN, to points in OH and PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bowater Southern Paper Corp., Calhoun, TN 37309. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 113908 (Sub-No. 427TA) (correction), filed January 24, 1978, and published in the FEDERAL REGISTER issue of March 15, 1978, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, MO 65804. Applicant's representative: B. B. Whitehead, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, MO 65804. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fruit juice and fruit juice concentrates*, in bulk (1) between Lawton, MI, North East, PA, Springdale, AR, Brocton, and Westfield, NY, Kennewick and Grandview, WA. (2)(a) From Lawton, MI to points in AR; (b) from North East, PA to points in NY; (c) from Brocton, NY and Grandview, WA; to points in AR, MI, NY, PA, and WA; (d) from Westfield, NY to points in AR, MI, NY, and PA. (3)(a) From points in CA to Lawton, MI, North East, PA, Springdale, AR, Kennewick and Grandview, WA; (b) from points in MI to Springdale, AR; (c) from points in NY to Lawton, MI, North East, PA, Springdale, AR, Brocton and Westfield, NY, and Kennewick, WA; (d) from points in PA to lawton, MI, Springdale, AR, Brocton and Westfield, NY; (e) from points in WA to Lawton, MI, Springdale, AR, Westfield, NY, and Kennewick, WA, for 180 days. Supporting shipper(s): Welch Foods, Inc., Westfield, NY 14787. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106. The purpose of this republication is to correct the territory description.

No. MC 116077 (Sub-No. 391TA), filed March 6, 1978. Applicant: DSI TRANSPORTS, INC., 4550 Post Oak Place, Suite 300, Houston, TX 77027. Applicant's representative: John C. Browder, 4550 Post Oak Place, Suite 300, Houston, TX 77027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brine*, in bulk, in tank vehicles from Woodward, OK to Corpus Christi, TX, for 180 days. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: District Supervisor, John F. Nensing, Interstate Commerce Commission, 515 Rusk Avenue, 8610 Federal Building, Houston, TX 77002.

No. MC 119399 (Sub-No. 75TA) (correction), filed March 6, 1978, and published in the FEDERAL REGISTER issue of March 29, 1978, and republished as corrected this issue. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Applicant's representative: David L. Sitton, 2900 Davis Boulevard, Joplin, MO 62801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Dearborn, MI, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ford Motor Co.—Glass Division, One Parkland Boulevard, Suite 202 West, Dearborn, MI 48126. Send protests to: District Supervisor, John V. Barry, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, KS 64106. The purpose of this republication is to add some states to the territorial description.

No. MC 119619 (Sub-No. 125TA), filed March 21, 1978. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, from the facilities of Miller's Pre-Pared Potato Co., Inc., at Blue Island, IL, to Philadelphia, PA, New York, NY, Washington, DC, including in their respective commercial zones as defined by the Commission, Amityville, Deer Park, Newburg, Peekskill, Poughkeepsie, Mineola, West Hempstead, NY, and Newark, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miller's Pre-Pared Potato Co., Inc., C. H. Miller President, 140th Western, Box 268, Blue Island, IL 60406. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 124078 (Sub-No. 779TA) (Correction), filed January 26, 1978, published in the FEDERAL REGISTER issue of February 15, 1978, and republished as corrected this issue. Applicant: Schwerman Trucking Co., 611 South 28 Street Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Gainesville, GA, to points in AL, FL, GA, KY, MS, NC, SC, TN, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gargill, Inc., P.O. Box 1298, Gainesville, GA, 30501 (Ms. Ellen Jacobs). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517

East Wisconsin Avenue, Room 619, Milwaukee, WI 53202. The purpose of this republication is to add a State that was left out.

No. MC 124078 (Sub-No. 786TA), filed March 21, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash* (in bulk, in tank vehicles), from Bartow County, GA, to points in LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Amax Resources Recovery Systems, Inc., 5600 Roswell Road, Atlanta, Ga 30342. (Bill G. Fletcher District Sales Manager). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124692 (Sub-No. 190TA) (Correction), filed February 7, 1978, and published in the FEDERAL REGISTER issue of March 3, 1978, and republished as corrected this issue. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Applicant's representative: James B. Hovland, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood and millwork*, from points in OR to points in CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. W. Rickett, Traffic Manager, Publisher Forest Products, 6637 SE 100th Avenue, Portland, OR 97266, Michael J. Scott, Manager, Beaverton, Burns Lumber Co., 11200 SW., Allen Avenue, Suite B, Beaverton, OR 97005, William McCoy, General Manager, NW Division, International Forest Products, Inc., 1105 Broadway, Vancouver, WA, Bard Brown, Western International Forest Products, Inc., 8285 SW Nimbus Avenue, Suite 131, Beaverton, OR 97005, Kathy Watkins, Traffic Manager, Wood Markets, Inc., Box 669, Portland, OR 97207. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101. The purpose of this republication is to correct the territorial description.

No. MC 124801 (Sub-No. 4TA), filed March 21, 1978. Applicant: ROY A. AYERS, R. D. No. 2, Clarks Summit, PA 18411. Applicant's representative: Joseph F. Hoxsey, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and animal health and sanitation products*, from Lewisburg, PA, to Allegheny, Albany, Broome, Cattaraugus, Cayuga, Chemung, Chenango, Cortland, Delaware, Erie, Fulton, Genesee, Greene, Livingston, Madison, Montgomery, Oneida, Ontario, Onondaga, Oswego, Otsego, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Wayne, Wyoming, and Yates Counties, NY, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ralston-Purina Co., P.O. Box 248, Camp Hill, PA 17011. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 124821 (Sub-No. 31TA), filed March 21, 1978. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, PA 18518. Applicant's representative: John Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail and chain distribution companies, from the facilities of A. E. Staley Manufacturing Co. in the Chicago, IL commercial zone, located at Broadview, Cicero, and Bellwood, IL, to points in IN, OH, and PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. E. Staley Manufacturing Co., 2200 East Eldorado River, Decatur, IL 62525. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 127580 (Sub-No. 7TA) (Correction), filed February 16, 1978, and published in the FEDERAL REGISTER issue of March 15, 1978, as a common carrier, with No. MC 144316TA, and republished as corrected this issue. Applicant: H. P. HALE, P. O. Box 177, Roswell, NM 88201. Applicant's representative: D. Paul Stafford, Exchange Park, Suite 1125, Box 45538, Dallas, TX 75245. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board, impregnated sheathing, and sheetrock*, between points in AZ, AR, NM, LA, OK, and TX, under a continuing contract or contracts, with Dodson Wholesale Lumber co., Inc., for 180 days. Supporting shipper(s): Dodson Lumber Co., Inc., Box 1851, Roswell, NM 88201. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101. The purpose of this republication is to change the authority sought, from common to contract, and therefore changing the docket number to MC 127580 (Sub-No. 7TA) (a contract number).

No. MC 128117 (Sub-No. 30TA) (correction), filed February 9, 1978, and published in the FEDERAL REGISTER issue of March 3, 1978, and republished as corrected this issue. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Appomattox, VA, to points and places in AR, LA, OK, TX, NM, AZ, CA, and NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Thomasville Furniture Industries, Inc., P.O. Box 339, Thomasville, NC 27360. Send protests to: District Supervisor, Terrell Price, 800 Brair Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205. The purpose of this republication is to correct the territorial description.

No. MC 133883 (Sub-No. 5TA), filed March 21, 1978. Applicant: GERALD N. EVENSON, INC., 835 First Street SW., P.O. Drawer 1, Pelican Rapids, MN 56572. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets* (in cartons or crates), from the facilities of United Cabinet Corp., at or near Jasper, IN, to points in IA, MN, NE, and those points in ND, and SD, on and east of U.S. Hwy 281, and those points in WI on and west of U.S. Hwy 53, under a continuing contract, or contracts, with A. N. Miller and Associates, for 180 days. Supporting shipper(s): A. N. Miller and Associates, 724 First Street North, Minneapolis, MN 55401. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building, and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

No. MC 135797 (Sub-No. 108TA), filed March 21, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Hwy 71, Lowell, AR 72745. Applicant's representative: Paul A. Maestri, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from

the facilities of Mobil Chemical Co., Plastics Division, at Frankfort, IL, to points in IN, KY, MI, OH and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mobil Chemical Co., Plastics Division, Macedon, NY 14502. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136008 (Sub-No. 95TA), filed March 21, 1978. Applicant: JOE BROWN COMPANY, INC., 8005 South I-35, Suite 102, Oklahoma City, OK 73149. Applicant's representative: John Tipsword, 8005 South I-35, Suite 102, Oklahoma City, OK 73149. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, from Mosher, Mo., to facilities of PPG Industries, Bacon, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): PPG Industries, Inc., P.O. Box 400, Wichita Falls, TX 76307. Send protests to: Connie Stanley Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136247 (Sub-No. 14TA), filed March 21, 1978. Applicant: WRIGHT TRUCKING, INC., P.O. Box 346, 409 17th Street SW., Jamestown, MD. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and custodial supplies* (except in bulk, in tank vehicles), from McHenry Wheaton and Chicago, IL, and Milwaukee, WI, to Bismarck, ND, restricted to traffic destined to the facilities of Team Laboratory Chemical Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Team Laboratory Chemical Corp., P.O. Box 1351, Bismarck, ND 58501. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

No. MC 136553 (Sub-No. 56TA), filed March 21, 1978. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (in bulk), from Dubuque, and Davenport, IA, to points in IL on and north of U.S. Hwy 36 and points in WI on and south of U.S. Hwy 10, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The C. Reiss Coal Co., 1011 South 8th Street, Sheboygan, WI 53081. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 418 Federal Building, Des Moines, IA 50309.

No. MC 136711 (Sub-No. 33TA) (correction), filed February 27, 1978, and published in the FEDERAL REGISTER issue of March 23, 1978, and republished as corrected this issue. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, 2840 South High Street, Oklahoma City, OK 73109. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (in bulk, in dump vehicles), from the facilities of Russell Creek Coal Co., at or near Welch, OK, to the city of Springfield Water, Light & Power Co., at Springfield, IL, for 180 days. Supporting shipper(s): Russell Creek Coal Co., P.O. Box 418, Welch, OK 74369. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest Third, Oklahoma City, OK 73102. The purpose of this republication is to correct the commodity description.

No. MC 138469 (Sub-No. 62TA), filed March 21, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, 641 N. Meridian, Oklahoma City, OK 73107. Applicant's representative: Jack Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk, in vehicles equipped with mechanical refrigeration), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AR, KS, LA, MS, MO, NM, OK, TN, and TX; restricted to traffic originating at and destined to the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., 2 South Portage Street, Westfield, NY 13787. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Bldg., 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 138635 (Sub-No. 49TA) (correction), filed February 17, 1978, and published in the FEDERAL REGISTER issue of March 29, 1978, and republished as corrected this issue. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 1511 K Street NW., Suite 712, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fiber, glass fiber rovings, yarn and strand, glass fiber mats and matting, glass fiber fabric, and glass fiber waste*, between West Shelby and South Lexington, NC, on the one hand, and, on the other, AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205. The purpose of this republication is to correct the territorial description.

No. MC 140509 (Sub-No. 4 TA) (correction), filed February 3, 1978, and published in the FEDERAL REGISTER issue of March 29, 1978, and republished as corrected this issue. Applicant: ART KOHLER TRUCKING, INC., P. O. Box 68, Audobon, MN 56511. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Floor and wall covering* and *hand tools and supplies* for the installation thereof: from Lincoln, Los Angeles, and Santa Fe Springs, CA; Bethany, and New Haven, CT; Miami, FL; Atlanta, Calhoun, Cartersville, Chatsworth, Dalton, Ellijay, Rome, and Savannah, GA; Chicago, IL; New Orleans, LA; Baltimore, MD; Boston, MA; Duluth, Eden, Prairie, Hopkins, Minneapolis, and its commercial zone, and Moorhead, MN; Houston, MS; Lincoln, NE; East Northport and New York, NY; Aberdeen, NC; Fargo and Grand Forks, ND; Apple Creek, Canton, Cincinnati, Cleveland, East Sparta, Hamilton, Marion, Minerva, and Summitville, OH; Philadelphia, PA; Dallas, Houston, and Laredo, TX; Seattle, and Spokane, WA; and Milwaukee, WI; to points in IA, MN, ND, SD, and WI, points in that part of ILL on the north of Interstate Hwy 74 and those points on and north of U.S. Hwy 34 and west of Interstate Hwy 74, those points in the Upper Penninsula of MI, and those in MT east of the Continental Divide, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rollin B. Child, Inc., 420 Excelsior Ave., West, P.O. Box 397, Hopkins, MN 55343. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 657 Second Ave., North, Room 268, Federal Bldg. and U.S. Post Office, Fargo ND 58102. The purpose of this republi-

cation is to correct the territorial description.

No. MC 142672 (Sub-No. 16 TA), filed March 21, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* from Napoleon, OH to Paris, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Campbell Soup Co., East Maumee Avenue, Napoleon, OH 43545. Send Protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 142897 (Sub-No. 7TA), filed March 21, 1978. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Applicant's representative: Beery & Spurlock, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper articles* (except commodities in bulk), between plantsites and warehouse facilities of Scott Paper Co. at Chester and Philadelphia, PA, to points in OH, IN, NC and TN, under a continuing contract, or contracts, with Scott Paper Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Scott Paper Co., Philadelphia, PA. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, OH 43604.

No. MC 142941 (Sub-No. 13TA) (Correction), filed January 31, 1978, and published in the FEDERAL REGISTER issue of March 20, 1978, and republished as corrected this issue. Applicant: SCARBOROUGH TRUCK LINES, 1313 North 25th Avenue, Phoenix, AZ 85009. Applicant's representative: Lewis P. Ames and Phil B. Hammon, Shimmel, Hill, Bishop & Gruender, PNC., 10th Floor, 111 West Monroe, Phoenix, AZ 85003. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: (1) *Frozen prepared foods;* and (2) *Agricultural* (including horticultural) and *fish* (including shellfish) commodities otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when moving in the same time as the commodities in (1) above.* From the facilities of Van de Kamp's located at (1) Santa Fe springs, CA, to points in IL, MI, OH, KS, MO, and Erie, PA, and Syracuse, NY (and points in their respective commercial zones); and (2) Erie, PA, to points in IL, KS, MI, MN, MO, OH, WI, and Atlanta, GA, and Syracuse, NY (and points in their respective commercial zones); restricted in (1) and (2) above to the transportation of the above commodities in vehicles equipped with mechanical refrigeration, for 180 days.

*NOTE.—A mixed load restriction is not sought. Applicant proposes to transport loads composed solely of frozen prepared foods as well as mixed loads of regulated and otherwise exempt commodities. Supporting shipper(s): Van de Kamp's, 13100 Artic Circle Drive, Santa Fe Springs, CA 90670. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Bldg., 230 North First Avenue, Phoenix, AZ 85025. The purpose of this republication is to correct the territorial description.

No. MC 142955 (Sub-No. 2TA), filed March 21, 1978. Applicant: J & G SWARTZ, INC., 3755 Fenwick Drive, Spring Valley, CA 92077. Applicant's representative: Patrick M. Schnegg, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal slides,* from Jamestown, NY, to points in CA, for 180 days. Supporting shipper(s): Lumidor Manufacturing Co., 4770 East 50th, Los Angeles, CA 90058. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 144032 (Sub-No. 1TA) (Correction), filed November 18, 1977. Applicant: R & S TRUCKING, INC., Rural Route 1, Box 123, Garretson, SD 57030. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Packaged edible meat,* between Omaha, NE and points in the State of CA. Restriction: The above traffic is restricted to shipments originating at or destined to the plantsite and production facility of H. Shenson & Co., Inc. in Omaha, NE; and (2) *Fresh beef briskets,* in mixed loads with fresh beef, from the plantsite of Columbia Foods, Inc., at Wallula, WA and Boise, ID; and from the plantsite of Armour Foods Co. at or near Nampa, ID to Omaha, NE. Restriction: The above traffic is restricted to shipments originating at the designated origins and destined to the H. Shenson & Co., Inc., facility in Omaha, NE. All of the above authority is to be performed under a continuing contract, or contracts, with H. Shenson & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. Shenson & Co., Inc., 27th and Y Streets, Omaha, NE 68107 (Jack H. Feller, Jr.). Send protests to: J. L. Harmond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501. The purpose of this republication is to add three words that were omitted ("in Omaha, Nebraska"), and also to correct the spelling of Columbia Foods, Inc., as opposed to Columbis Foods, Inc.

No. MC 144041 (Sub-No. 5TA), (Correction), filed February 28, 1978, and published in the FEDERAL REGISTER issue of March 29, 1978, and republished as corrected this isue. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE, Atlanta, GA 30345. Applicant's representative: Ralph B. Matthews, 1200 Atlanta Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Expanded plastic products* (except in bulk), from the facilities of the Dow Chemical Co. at or near Magnolia, AR, and Pevely, MO, to points in the United States on and east of U.S. Hwy 85, for 180 days. Supporting shipper(s): Dow Chemical U.S.A., P.O. Box 36000, Strongsville, OH 44136. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 2152 W. Peachtree Street NW., Rm. 300, Atlanta, GA 30309. The purpose of this republication is to correct the territorial description.

No. MC 144082 (Sub-No. 1TA) (Correction), filed January 13, 1978, and published in the FEDERAL REGISTER issue of March 3, 1978, and republished as corrected this issue. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELA-LEN EXPRESS, INC., P.O. Box 7191, Charlotte, NE 28217. Applicant's representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by electrical equipment and supply manufacturers, from Anoka, MN, to Charlotte, NC, restricted to the transportation of shipments under a continuing contract, or contracts, with Hoffman Engineering Co., (2) *Such commodities* as are used or distributed by carpet manufacturers (except in bulk), (a) from Martinsville, VA, and Greenville and Spartanburg, SC, to the facilities of Coronet Carpets, Inc., at Dalton, Calhoun, and Gainesville, GA; and (b) from the facilities of Coronet Carpets, Inc., at Dalton, Ga, to points in IL, WI, MN, IA, and MI, restricted to transportation of shipments under a continuing

contract, or contracts, with Coronet Carpets, Inc., and Hoffman Engineering Co., for 180 days. Supporting shipper(s): Hoffman Engineering Co., Tyler Street, Anoka, MN 55303; (2) Coronet Carpets, Inc., P.O. Box 1248, Dalton, GA 30720. Send protests to: Terrell Price, District Supervisor, Room CC-516 Mart Office Bldg., 800 Briar Creek Road, Charlotte, NC 28205. The purpose of this republication is to correct the District Supervisor's address.

No. MC 144233 (Sub-No. 2TA), filed March 21, 1978. Applicant: T.C.I., INC., P.O. Box 1423, Grand Island, NE 68801. Applicant's representative: Charles S. Chapman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Geo. A. Hormel & Co., at (1) Scottsbluff, NE, to Hartford, CT; New Haven, CT; Elizabeth, NJ; Binghamton, NY, and Wilkes Barre, PA, (2) Fremont, NE, to New Haven, CT, and Binghamton, NY, and (3) Austin, MN, to Wilkes Barre, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Edward C. Hunkele, Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 144342 (Sub-No. 1TA), filed March 21, 1978. Applicant: CONTAINER TRANSPORT, INC., 630 Terminal Tower Building, Cleveland, OH 44113. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty steel drums*, from the plantsite of Republic Steel Corp. at Nitro, WV, to the States of IN, KY, OH, and TN, under a continuing contract, or contracts, with Republic Steel Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Republic Steel Corp., P.O. Box 6778, Cleveland, OH 44101. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 144479 TA, filed March 21, 1978. Applicant: SAV-A-DAY AIR FREIGHT, JOSEPH T. BORCHERS, d.b.a. KNOX COUNTY AIRPORT, Mount Vernon, OH 43050. Applicant's representative: Robert W. Minor, Vorys, Sater, Seymour & Pease, P.O. Box 1008, Columbus, OH 43216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to shipments with an immediately prior or subsequent shipment by air carrier, in vehicles with no more than two axles, and excepting commodities in bulk, between Mount Vernon and Fredericktown, OH, on the one hand, and, on the other, Columbus (Ohio) International Airport, for 180 days. Supporting shipper(s): (1) AMG Industries, Commerce Drive, Industrial Park, Mount Vernon, OH 43050; (2) Continental Can Co., Madison Street, Mount Vernon, OH 43050; (3) Cooper Energy Services, North Sandusky Street, Mount Vernon, OH 43050; (4) Divelbiss Corporation, 9776 Mt. Gilead Road, Fredericktown, OH 43019. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 144481 TA, filed March 21, 1978. Applicant: MINNESOTA AIR EXPRESS, INC., 1208 West Center Street, Rochester, MN 55901. Applicant's representative: James F. Finley, 301 Midwest Federal Bldg., St. Paul, MN, 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* with prior or subsequent movement by air, between the Rochester Municipal Airport, Rochester, MN, and the cities of Albert Lea, Austin, Blue Earth, Cannon Falls, Fairbault, Lake City, Mankato, Owatonna, Red Wing, Wabasha, Waseca, Winona and Rochester, MN, and LaCrosse, WI, for 180 days. Supporting shipper(s): There are approximately (12) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 144481 (Sub-No. 1TA), filed March 21, 1978. Applicant: MINNESOTA AIR EXPRESS, INC., 1208 West Center Street, Rochester, MN 55901. Applicant's representative: James F. Finley, 301 Midwest Federal Building, St. Paul, MN 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* with prior or subsequent movement by air, Minneapolis-St. Paul International Airport and Minneapolis, MN, and the cities of Austin, Albert Lea, and Blue Earth, MN, for 180 days. Supporting shipper(s): There are approximately 10 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South Fourth St., Minneapolis, MN 55401.

PASSENGER CARRIER

No. MC 115337 (Sub-No. 2TA), filed March 21, 1978. Applicant: OLIN L. CHAMBERLAIN, d.b.a. CHAMBERLAIN'S BUS SERVICE, Box 54—R. D. No. 1, Covington, PA 16917. Applicant's representative: John Musselman, P.O. Box 1146, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Mansfield, PA, and extending to points in the State of NY, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mansfield State College, Mansfield, PA 16933. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, PA 18503.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10848 Filed 4-20-78; 8:45 am]

[7035-01]

[Notice No. 61]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular

portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1181 (Sub-No. 1TA), filed March 23, 1978. Applicant: D. A. WOOLEVER and E. C. WOOLEVER, d.b.a. WOOLEVER TRANSFER, 112 South Loyalsock Avenue, Montoursville, PA 17754. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cross ties*, from points in Clinton Township, Lycoming County, PA, and Ontelauntee Township, Berks County, PA, to points in MA, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pohl Corporation, P.O. Box 3613, Reading, PA 19605. Send protests to: Paul J. Kenworthy District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 29990 (Sub-No. 12TA), filed March 23, 1978. Applicant: BADGER LINES, INC., 3109 West Lisbon Avenue, Milwaukee, WI 53208. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, IL, to Aurora, Green Bay, Germantown, Marinette, Mequon, Oconomowoc, and Shawano, WI, under a continuing contract, or contracts, with Pabst Brewing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pabst Brewing Co., 1033 North Broadway, Milwaukee, WI 53202 (Richard Trampe, General Traffic Manager). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 47142 (Sub-No. 114TA), filed March 20, 1978. Applicant: C. I. WHITTEN TRANSFER CO., P.O. Box 1833, 4417 Earl Court, Huntington, WV 25719. Applicant's representative: J. G. Dail, 6810 Fleetwood Road, P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized agricultural limestone and gypsum in bags*, from Irvington, KY, to points in and east of LA, AR, MO, IL, WI, and MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Marvin H. Zelibor, President, American Pelletizing Corp., P.O. Box 3628, 7200 Hickman Road, Des Moines, IA. Send protests to: Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 48221 (Sub-No. 14TA), filed March 23, 1978. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, NE 68107. Applicant's representative: Gerald Morehouse, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, WI, to Omaha, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tony Howard, President, Nebraska Distributing Co., 211 Walnut Street, Omaha, NE 68108. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 51146 (Sub-No. 587TA), filed March 22, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co. at or near Terre Haute, IN, to Columbus, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ. 07721. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 94876 (Sub-No. 13TA), filed March 23, 1978. Applicant: RICHARD ACERRA, INC., 4309 Vernon Boulevard, Long Island City, NY 11101. Applicant's representative: J. Aiden Connors, 325 East 201 Street, New York, NY 10458. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pavement marking material, paint and paint materials*, between Westwood, MA, and Long Island City, NY, under a continuing contract, or contracts, with Safety Lines Marking, Inc., for 180 days. Supporting shipper(s): Safety Lines Marking, Inc., 35 Harvard Street, Westwood, MA 02090. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 106674 (Sub-No. 300TA), filed March 23, 1978. Applicant: SCHILLI MOTOR LINES, INC., U.S. Highway 24 West, P.O. Box 123, Remington, IN 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, (in bulk, in tank vehicles), from the facilities utilized by the Translake, Inc., at or near burns Harbor, IN., to points in IL, the Lower Peninsula of MI and OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Martrex, Inc., P.O. Box 159, 7701 Arboretum Boulevard, Chanhassen, MI. 55317. Send protests to: J. H. Gray District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 109689 (Sub-No. 334TA), filed March 20, 1978. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, UT 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mine site of Atlas-Dirty Devil Co. located in Wayne County, UT, to the Atlas-Dirty Devil Mining Co., rail siding in Emery County, UT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Atlas Resources, Inc. (Atlas-Dirty Devil Mining Co.) P.O. Box 247, Green River, UT 84525 (C. B. Woodward, president). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

No. MC 110420 (Sub-No. 779TA), filed March 23, 1978. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158.

Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry adhesive glue* (in bulk, in tank vehicles), from Milwaukee, WI, to Chicago, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Peter Cooper Division U.S. Glue, Oak Creek, WI 53154. (Harold Haskin, District Traffic Manager). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 111231 (Sub-No. 231TA), filed March 23, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: Don A. Smith, P.O. Box 43-510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AR, KS, LA, MS, MO, NM, OK, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., 2 South Portage Street, Westfield, NY 14787. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111401 (Sub-No. 516TA), filed March 20, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock, P.O. Box 632, Enid, OK 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex* (in bulk, in interstate and foreign commerce), from Houston, TX, to: (1) Oklahoma City, OK; (2) Commerce, TX, and (3) Brownsville, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Guthrie Industries, Inc., Plaza 9, 900 Route 9, Woodbridge, NJ 07095. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

No. MC 111401 (Sub-No. 517TA), filed March 20, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock, P.O. Box 632, Enid, OK 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Controlled industrial waste material*, (in bulk, in tank vehicles), from Vicksburg, MS, to Tulsa, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. J. Lamberton Co., 2904 Fourth National BAnk Building, Tulsa, OK 74119. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

No. MC 113908 (Sub-No. 431TA), filed March 23, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., 2105 East Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead, P.O. Box 3180 G.S.S., Springfield, MO 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock and vinegar stock concentrates* (in bulk) from Woodruff, SC, to New York, NY, and the commercial zone thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Old Dutch Mustard, 80 Metropolitan Avenue, Brooklyn, NY 11211. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 114457 (Sub-No. 367TA), filed March 23, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from Obetz, OH, to Oklahoma City, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Can Corp., 8101 West Higgins Road, Chicago, IL 60631. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 114537 (Sub-No. 1TA), filed March 20, 1978. Applicant: BROCIOUS TRUCKING, INC., P.O. Box 261, Brockway, PA 15824. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container accessories, components, ends, caps, lids, and closures*, from the facilities of Brockway Glass Co. in Clearfield and Jefferson Counties, PA, to points in Cayuga, Onondaga, and Oswego Counties, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brockway Glass Co., Inc., McCullough Avenue, Brockway, PA 15824. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 115904 (Sub-No. 96TA), filed March 20, 1978. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, ID 83401. Applicant's representative: Mrene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, restricted against the transportation of commodities which by reason of their size and weight require the use of special equipment, and further restricted against those commodities falling within the category described in Mercer Extension, 74 MCC 495, from the facilities of AMOCO Chemical Corp. at Denver, CO, to OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): AMOCO Chemicals Corp., 4990 Ironton, Denver, CO 80239. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 123255 (Sub-No. 148TA), filed March 20, 1978. Applicant: B&L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen and commodities in bulk), from the facilities of Joan of Arc Co., Inc., located at or near Turkey, NC, to points in the States of IN, MI, and WI, for 180 days. Supporting shipper(s): Joan of Arc Co., Inc., 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 124160 (Sub-No. 17TA), filed March 20, 1978. Applicant: SAVAGE BROTHERS, INC., 585 South 500 East, American Fork, UT 84003. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Fly ash* (in bulk), from points in WY, to points in UT and IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pozzolan Products Co., P. O. Box 7006, Salt Lake City, UT 84107 (L. K. Bradley, President). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commisssion, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

No. MC 124711 (Sub-No. 57TA), filed March 23, 1978. Applicant: BECKER CORP., P.O. Box 1050, 2643 West Central, El Dorado, KS 67042. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions* (in bulk, in tank vehicles), from Culbertson, NE, to points in KS and CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 125023 (Sub-No. 58TA), filed March 20, 1978. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, PA 16504. Applicant's representative: Richard G. McGurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Co. at Cliffwood, NJ, to warehouses in Oswego and Onondaga Counties, NY (except South Volney, NY) and the return of rejected glass containers, from Oswego and Onondaga Counties, NY (except South Volney, NY), to facilities of Midland Glass Co. at Cliffwood, NJ, for 180 days. Supporting shipper(s): Midland Glass Co., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 125023 (Sub-No. 59TA), filed March 20, 1978. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, PA 16504. Applicant's representative: Richard G. McGurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Co. at Cliffwood, NJ, to warehouses in named counties in NC, (Alamance, Caswell, Chatham, Davie, Davidson, Durham, Guilford, Person, Randolph, Rockingham, Stokes, Surry, Yakkin) and VA, Counties of Bedford, Carroll, Floyd, Franklin, Grayson, Halifax, Henry, Montgomery, Patrick Pittsylvania, Pulaski, Wythe, and the return of rejected glass containers fron named counties in NC and VA, to Cliffwood, NJ, for 180 days. Supporting shipper(s): Midland Glass Co., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: John J. England, District Supervisor, Interstate Commerce Commisson, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 128527 (Sub-No. 106TA), filed March 20, 1978. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, ID 83661. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of axle assemblies, from points in Seminole County, OK, Elkhart County, IN, and the facilities of Burns Cold Forge located at or near Minerva, OH, to the facilities of Kelsey Axle & Brake Division of Kelsey Hayes Co. at or near McMinnville, OR, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kelsey Hayes Co., 2020 LaFayette, McMinnville, OR 97128. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 128527 (Sub-No. 107TA), filed March 20, 1978. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, ID 83661. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Chef Francisco at or near Eugene, OR, to points in FL, GA, AL, MS, TN, NC, SC, OH, WV, MD, NJ, NY, VA, PA, CT, RI, MA, VT, NH, DE, ME, and KY, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chef Francisco, 1400 Cross Street, Eugene, OR 97401. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 133095 (Sub-No. 184TA), filed March 20, 1978. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 West Euless Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AR, KS, LA, MS, MO, NM, OK, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., 2 South Portage Street, Westfield, NY 14787. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 135861 (Sub-No. 29TA), filed March 23, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, 2715 Ellis Avenue, Ft. Worth TX 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Ft. Worth, TX 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tea*, from Brooklyn, NY, to Dallas, TX, under a continuing contract, or contracts, with Eastern Tea Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Eastern Tea Corp., 168 39th Street, Brooklyn, NY 11232. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Building, 819 Taylor Street, Ft. Worth, TX 76102.

No. MC 135895 (Sub-No. 17TA), filed March 20, 1978. Applicant: DON RAY BOYD and JACKIE ROGERS, d.b.a. B & R DRAYAGE CO., P.O. Box 8534, Battlefield Station, Jackson, MS. 39204. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides and fungicides and ethylene dibromide* (except commodities in bulk), from the facilities of Dow Chemical Co., at or near Magnolia, AR, to Gulfport, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dow Chemical Co., P.O. Box 8910, Strongsville, OH 44136. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 136904 (Sub-No. 25TA), filed March 23, 1978. Applicant: WORSTER-MICHIGAN, INC., P.O. Box 110, Gay Road, North East, PA 16428. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to

points in AR, KS, and OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., Westfield, NY 14787. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 138069 (Sub-No. 6TA), filed March 23, 1978. Applicant: LUCIUS, INC., 9250 North Wadsworth Building, Broomfield, CO 80020. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Cincinnati, OH; Frankfort, Louisville, and Bardstown, KY, to facilities of McKesson Wine & Spirits Co., at Denver, CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): McKesson Wine & Spirits Co., 1800 Bassett, Denver, CO. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, Denver, CO 80202.

No. MC 138762 (Sub-No. 18TA), filed March 20, 1978. Applicant: MUNICIPAL TANK LINES, LTD., P.O. Box 3500, Calgary, AB, Canada. Applicant's representative: D. S. Vincent (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Premix*, a dry bulk commodity (82 percent bentonite clay and 18 percent seacoal), in bulk, in tank vehicles, from Archbold, OH, to the port of entry on the United States-Canada boundary line located at or near Port Huron, MI, destined to points in ON, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): F. Geburt, Purchasing Manager, Holmes Foundry Ltd., 200 Exmouth Street, Sarnia, ON, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue, North, Billings, MT 59101.

No. MC 140033 (Sub-No. 44TA), filed March 22, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Applicant's representative: Lawrence A. Winkle, Winkle & Wells, P.O. Box 45538, Dallas, TX 75234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent lighting fixtures; parts and accessories* for fluorescent lighting fixtures, from Bristol, PA, to points in AZ, CA, CO, IN, MT, NV, NM, ND, OR, SD, UT, WA, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Keystone Lighting Corp., Beaver Street and Route 13, Bristol, PA 19007. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 141108 (Sub-No. 2TA), filed March 20, 1978. Applicant: D & C EXPRESS, INC., P.O. Box 2566, Wilton, IA 52778. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, IL, and Detroit, MI, to points in Buena Vista, Clinton, Delaware, Franklin, Linn, Johnson, Jones, and Scott Counties, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Intertrade Steel Corp., P.O. Box 1129, Cedar Rapids, IA 52401. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Des Moines, IA 50309.

No. MC 141343 (Sub-No. 3TA), filed March 22, 1978. Applicant: WILLIAM COOKE, doing business as WILLIAM COOKE TRUCKING, 5512 Thomas Avenue South, Minneapolis, MN 55410. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products and meat byproducts* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from Minneapolis, MN, to Rockford, IL, and points in Washington, Dodge, Saunders, Lancaster, Cass, and Sarpy Counties, NE, under a continuing contract, or contracts, with Schweigert Meat Co., for 180 days. Supporting shipper(s): Schweigert Meat Co., 2605 Emerson Avenue, Minneapolis, MN 55411. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 141759 (Sub-No. 6TA), filed March 20, 1978. Applicant: OHIO PACIFIC EXPRESS, INC., 6914 Conservation Drive, 2385 South High Street, Springfield, VA 22153. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles in mixed shipments with glassware, chinaware, earthenware, and pottery*, from Lancaster, OH, and Chester, WV, to points in AR, CA, CO, IN, MT, NV, NM, OR, UT, WA, and WY, under a continuing contract, or contracts, with Anchor Hocking Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Anchor Hocking Corp., 109 North Broad Street, Lancaster, OH 43130. Send protests to: Frank L. Clavary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 142600 (Sub-No. 8TA), filed March 20, 1978. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Drawer L, Petal, MS 39465. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins, and compounds, and products thereof*, and such other commodities as are manufactured and distributed by chemical manufacturers (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Hercules, Inc., at or near Clairton and West Elizabeth, PA, and Burlington, NJ, to points in CA, CO, OR, and WA, under a continuing contract, or contracts, with Hercules, Inc., for 180 days. Restriction: Restricted to shipments moving under a continuing contract or contracts with Hercules, Inc. Supporting shipper(s): Hercules, Inc., 1 Maritime Plaza, San Francisco, CA 94111. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 144195 (Sub-No. 1TA), filed March 17, 1978. Applicant: CAPITAL CITY DELIVERY SERVICE, INC., 3600 Manor Road, Austin, TX 78723. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Austin, TX, on the one hand, and, on the other, Houston, San Antonio, and Temple, TX, restricted to traffic having a prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Motorola, Inc., I/C Division, 3501 Ed Bluestein Boulevard, Austin, TX 78721; (2) Unitech, Inc., 1005 East Street, Elmo Road, Austin, TX 78745;

(3) Accelerators, Inc., 212 Industrial Boulevard, Austin, TX 78745; (4) Federal Express Corp., 823 East 53½, Austin, TX 78751. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400, Federal Building, 727 East Durango Boulevard, San Antonio, TX 78206.

No. MC 144468 (Sub-No. 1TA), filed March 20, 1978. Applicant: DAVID E. OWEN, 147 Pullen Boulevard, Centralia, IL 62801. Applicant's representative: Douglas G. Brown, The INB Center, Suite 555, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonperishable packaged foods*, but not in bulk, in tank vehicles, between St. Louis, MO, on the one hand, and, on the other, points in IL, MO, KY, TN and IN, and return, under a continuing contract, or contracts, with Missouri Provisioning Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joseph Lamb, Warehouse Manager, Missouri Provisioning Co., 1212 Dielman Industrial Court, St. Louis, MO 63132. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol, Avenue, Springfield, IL 62701.

PASSENGER CARRIER

No. MC 109865 (Sub-No. 15TA), filed March 15, 1978. Applicant: VALLEY TRANSPORTATION, INC., 516 Oxford Road, Oxford, CT 06483. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 23312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from Springfield and West Springfield, MA, and in New London County, CT, to points and places in the United States, excluding HA, and return, restricted to charter tour movements being operated for tour brokers which also involve the pickup and discharge of tour passengers at points in the State of CT other than New London County, for 180 days. Supporting shipper(s): Connecticut Pleasure Tours, Inc., doing business as Kaplan Tours, 140 Captain's Walk, New London, CT 06320. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, CT 06101.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10847 Filed 4-20-78; 8:45 am]

[7035-01]

[Notice No. 62]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 17, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinance of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55896 (Sub-No. 65TA), filed March 23, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and plywood*, from the facilities of Panel Processing, Inc., located at or near Coldwater, MI, to points in MN, WI, IL, IN, KY, TN, OH, PA, NY, MA, CT, NJ and MD, for 180 days. Supporting shipper(s): Panel Processing, Inc., 120 N. Industrial Highway, Alpena, MI 49707. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 59856 (Sub-No. 77TA), filed March 24, 1978. Applicant: SALT CREEK FREIGHTWAYS, P.O. Box 39, Casper, WY 82602. Applicant's representative: John R. Davidson, Room 805 Midland Bank Building, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive materials*, from points in WY, to Metropolis, IL, and Gore, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC., or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105 Federal Building and Court House, 111 South Wolcott, Casper, WY 82601.

No. MC 59856 (Sub-No. 78TA), filed March 24, 1978. Applicant: SALT CREEK FREIGHTWAYS, P.O. Box 39, Casper, WY 82601. Applicant's representative: John R. Davidson, Room 805 Midlands Bank Building, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household good as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Idaho Falls, ID and West Yellowstone, MT, from Idaho Falls over U.S. Hwy 26 to junction U.S. Hwy 191, then over U.S. Hwy 191 to West Yellowstone and return over the same route, serving no intermediate points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (10) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC., or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 105, Federal Building and Court House, 111 South Wolcott, Casper, WY 82601.

No. MC 82492 (Sub-No. 187TA), filed March 25, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Frozen foods*, from the facilities of Continental Freezers of Illinois at Chicago, IL, to points in IN, KY, Lower Peninsula of MI and OH, and to St. Louis, Scotts City and Sikeston, MO, and points in their Commercial Zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Freezers of Illinois, 4220 South Kildare Boulevard, Chicago, IL 60632. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Room 225, Federal Building, Lansing, MI 48933.

No. MC 82492 (Sub-No. 194TA), filed March 24, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles and polyethylene articles*, from the facilities of Jemco Packaging Products Co., located at or near Jackson, TN, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WI, points in PA on and west of U.S. Hwy 219 and points in NY in and west of Allegany, Livingston and Monroe Counties, and (2) *materials, equipment and supplies*, (except commodities in bulk), useful or used in the manufacture, sale and distribution of the commodities described in (1) above, from the destination states described in (1) above, to the facilities of Jemco Packaging Products Co., located at or near Jackson, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jemco Packaging Products, Inc., Bonwood Industrial Center, Jackson, TN 38301. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Room 225, Federal Building, Lansing, MI 48933.

No. MC 93840 (Sub-No. 37TA), filed March 24, 1978. Applicant: GLESS BROS., INC., P.O. Box 216, 34 Genesco Street, Blue Grass, IA 52726. Applicant's representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, from the facilities of Map-Ren at or near East Dubuque, IL, to points in IA, WI, and MN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mapco, Inc., Athens, IL 62613. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 108207 (Sub-No. 477TA), filed March 22, 1978. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, TX 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AR, KS, LA, MS, MO, NM, OK, TN, and TX, restricted to traffic originating at the above-named facilities and destined to points in the named States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., 2 South Portage Street, Westfield, NY 14787. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 112713 (Sub-No. 212TA), filed March 24, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Applicant's representative: David B. Schneider, 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Hoosier Energy Division of Indiana Statewide REC, at or near Merom, IN, as an off-route point in conjunction with carrier's presently authorized operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hoosier Energy Division of Indiana Statewide REC, Inc., P.O. Box 908, Bloomington, IN 47401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113666 (Sub-No. 129TA), filed March 24, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and materials and supplies* used in the production and installation of refractory products (except liquid commodities, in bulk, in tank vehicles), and *brick*, from Old Bridge, NJ, to ports of entry on the International Boundary line between the United States and Canada located in MN, MI, NY, ME, NH, and VT, restricted to traffic moving in foreign commerce, for 180 days. Supporting shipper(s): Quigley Co. of Canada Ltd., 565-20th Avenue, Lachine, PQ. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 113843 (Sub-No. 254TA), filed March 22, 1978. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* (exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas), from Albany, NY, to points in NY, NJ, PA, OH, IN, KY, and IL, for 180 days. Supporting shipper(s): Chiquita Brands, Inc., 95 Chestnut Ridge Road, Montvale, NJ 07645. Send protests to: John B. Thomas, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

No. MC 114457 (Sub-No. 368TA) filed March 24, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard pots, nested*, from Germantown, WI, to Allegan, MI, Bixby, OK; Golden, CO, Holmesville, OH; Indianapolis, IN; McMinnville, TN; Melfa, VA; Monroe, MI; and Perry, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fibreform Containers, Inc., No. 115 West 19255 Edison Drive, Germantown, WI 53022. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 114725 (Sub-No. 85TA), filed March 24, 1978. Applicant: WYNNE TRANSPORT SERVICE, INC., 222 North 11th Street, Omaha, NE 68110. Applicant's representative: D. F. Swerczek (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* (in bulk, in tank vehicle), from LaPlatte, NE, to AR, CO, WY, KY, TN, IN, MS, MT, TX, OK, AZ, ID, and NM, for 180 days. Appli-

cant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. R. Whipple, supervisor—traffic, Allied Chemical Corp., P. O. Box 2120, Houston, TX 77001. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 116004 (Sub-No. 46TA), filed March 22, 1978. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Applicant's representative: Doris Hughes, P.O. Box 47112, Dallas, TX 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk or those requiring special equipment), serving the facilities of Hale-Halsell Co. at or near Durrant, OK, as an off-route point in connection with carrier's present regular route operations MC 116004 and Subs 28 and 13 certificated authority over U.S. Hwy 69/75 with closed door operation, for 180 days. Supporting shipper(s): Texoma Drug Sales Co., 115 South First Street, Durant, OK 74701. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, Room 13C12, Dallas, TX 75242.

No. MC 116004 (Sub-No. 48TA), filed March 22, 1978. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Applicant's representative: Doris Hughes, P.O. Box 47112, Dallas, TX 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk or those requiring special equipment), serving the facilities of Texoma Drug Sales Co. at or near Durant, OK, as an off-route point in connection with carrier's present regular route operations MC 116004 and Subs 28 and 13 certificated authority over U.S. Hwy 69/75 with closed door operation, for 180 days. Supporting shipper(s): Hale-Halsell Co., 1800 West Arkansas, P.O. Box 10, Durant, OK 74701. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 118159 (Sub-No. 255 TA), filed March 24, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren L. Troupe, 2440 East Commercial Boulevard, Fort Lauderdale, FL 33380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses* as described in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Swift facilities at Kansas City, KS, East St. Louis, Rochell, St. Charles, and Bradley, IL, to KY, NY, NJ, CT, RK, ME, MA, VT, NH, MD, DE, PA, VA, WV, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 North West 3d, Oklahoma City, OK 73102.

No. MC 128527 (Sub-No. 105TA) (correction), filed March 17, 1978, and published in the FEDERAL REGISTER issue of April 4, 1978, and republished as corrected this issue. Applicant: MAY TRUCKING CO., P.O. Box 398, Fayette, ID 83701. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides:* (1) From points in MT, ND, SD, NE, KS, MN, WI, IA, MO, OK, TX, NM, CO, AZ, UT, NV, WY, ID, CA, OR, and WA, to points in ID, OR, WA, and CA; and (2) from Boise, ID, and Clovis, NM, and points in their respective commercial zones to points in TX, for 180 days. Applicant does not intend to tack or interline authority. Supporting shipper(s): Southwest Hide Co., P.O. Box 7553, Boise, ID 83707. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706. The purpose of this republication is to correct the territorial description.

No. MC 134082 (Sub-No. 9TA), filed March 22, 1978. Applicant: K. H. TRANSPORT, INC., 4796 Linthicum Road, Dayton, MD 21036. Applicant's representative: Chester A. Zyblut, 1030 15th Street NW., Washington, DC. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the storage facilities of Mt. Airy Cold Storage, Mt. Airy, MD, to points in OH, WV, NC, MD, MI, DE, DC, PA, NY, NJ, MA, CT, NH, and ME, and refused and rejected shipments on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Connie Skowronsky, Traffic Manager, A&W Foods, Inc., 4900 Crayton Avenue, Cleveland, OH 44104; (2) Ralph P. Hill, Manager Corporate Distribution, Lamb-Weston Division of AMFAC Foods, Inc., 6600 Southwest Hampton Street, Portland, OR 97223. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, MD 21201.

No. MC 134235 (Sub-No. 7TA), filed March 24, 1978. Applicant: KUHNLE BROS., INC., P.O. Box 128, Chagrin Falls, OH 44022. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, NY 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solar salt in pneumatic equipment*, from Jersey City, NJ, to all points and places in the States of NJ, PA, NY, CT, and ME, for 180 days. Supporting shipper(s): International Salt Co., 30 Buxton Farm Road, Stamford, CT 06905. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East 9th Street, Cleveland, OH 44199.

No. MC 134472 (Sub-No. 10TA), filed March 23, 1978. Applicant: RICHARD KUSTERMANN, d.b.a. KUSTERMANN TRUCK SERVICE, R.R. No. 2, Highland, IL 62249. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, foods and foodstuffs, and paper and plastic supplies* used by drive-in restaurants and dairy stores, in containers, in vehicles equipped with mechanical refrigeration, from Granite City, IL, to points in AR, IA, and KS, for the account of P. F. D., Supply Corp., Granite City, IL, under a continuing contract, or contracts, with P. F. D. Supply Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): James McCulloch Manager, P. F. D. Supply Corp., 1800 Adams Street, Granite City, IL 62040. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 134922 (Sub-No. 253TA), filed March 23, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: Bob McAdams, Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products* (except in bulk, in vehicles equipped with mechanical refrigeration), from Elizabeth and Hackettstown, NJ, and Elizabethtown, PA, to points in OH and MI, for 180 days. Ap-

plicant has also filed an uncerlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M&M/Mars, a Division of Mars, Inc., High Street, Hackettstown, NJ 07840. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135684 (Sub-No. 70TA), filed March 22, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Applicant's representative: Herbert A. Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products* (except in bulk), from the facilities of Smithers Oasis Co., Kent, OH, to points in CT, IL, IN, KY, MA, MI, MO, NJ, NY, PA, and RI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Smithers Oasis Co., Division of Smithers Co., P.O. Box 118, Kent, OH 44240. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 135797 (Sub-No. 109TA), filed March 24, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Hwy 71, Lowell, AR 72745. Applicant's representative: Paul R. Bergant, 10 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances; parts of electrical and gas appliances; and equipment, materials, and supplies* used in the distribution and repair of electrical and gas appliances, from Evansville, IN, Clyde, Marion, and Findley, OH, to points in AL, AR, FL, GA, KS, LA, MO, NE, OK, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Whirlpool Corp., Benton Harbor, MI 49022. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136166 (Sub-No. 31TA), filed March 23, 1978. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *"4" Tertiary butyl catechol"* (in bulk, in tank vehicles), from Camas, WA, to Texas City, TX, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crown Zellerbach, 1500 Southwest 1st Avenue, Portland, OR 97201. Send protests to: M. Butler, District Supervisor, 211 Main Street, Suite 500, San Francisco, CA 94105.

No. MC 136220 (Sub-No. 53TA), filed March 24, 1978. Applicant: ROY SULLIVAN, d.b.a., SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, OK 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig-iron* (loose in dump vehicles), from Houston, TX; New Orleans, LA; Little Rock and Ft. Smith, AR; Memphis, TN.; and Port of Catoose, OK., to points in AR, KS, KY, LA, MS, MO, OK, TN and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Phillipp Brothers, Division of Englehard, Minerals & Chemicals Corp., 1221 Avenue of the Americas, New York, NY 10020. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 NW., 3d, Oklahoma City, OK 73102.

No. MC 136605 (Sub-No. 46TA), filed March 24, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, 2024 Trade Street, Missoula, MT 59807. Applicant's representative: Joe Gerbase, Suite 100, Transwestern Building, Billings, MT 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except in bulk), from the facilities of Nucor Steel located at or near Norfolk, NE, to points in CO, WY, UT, ID, MT and WA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lloyd Baer, Chief Dispatcher, Nucor Steel, Division of Nucor Corp., Norfolk, NE 68701. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 138036 (Sub-No. 12TA), filed March 22, 1978. Applicant: J & S, INC., P.O. Box 288, Indianola, PA 15041. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug and variety stores, and equipment, materials, and supplies used in the conduct of such business (except commodities in bulk), between Northgate Business Park, Dallas County, TX, on the one hand, and, on the other, points in WI, AL, WV, TN, IL, MS, OK, MO, KS, OH, IN, MN, MI, LA and KY, under a continuing contract, or contracts, with Thrift Drug Division of J. C. Penney Co., Inc., of New York, N.Y., for 180 days. Supporting shipper(s): Thrift Drug Division of J. C. Penney Co., Inc., 615 Alpha Drive, Pittsburgh, PA 15238. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 139235 (Sub-No. 2TA), filed March 15, 1978. Applicant: MAYNARD NADLER, 113 E. Corning, Peotone, IL 60468. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron containers, drums, and pails*, (2) *Steel containers, drums and pails*, (3) *plastic containers, drums and pails*, and (4) *closures and handles* for the commodities in (1), (2) and (3) above, from the facilities of Bennett Industries Division of Growth International Industries Corp., at Peotone, IL, to Des Moines, IA, and points in AL, CT, MI, MD, MA, NJ, NY, PA, VA, and WV, for the account of Bennett Industries Division, Growth International Industries Corp., for 180 days. Supporting shipper(s): Bennett Industries Division, Growth International Industries Corp., William G. Emmons Traffic Manager, 515 North First Street, Peotone, IL 60468. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 140665 (Sub-No. 28TA), filed March 23, 1978. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, MO 65767. Applicant's representative: Clayton Geer, P.O. Box 768, Ravenna, OH 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, battery fluids, rectifiers, battery chargers, and parts and accessories* for the above commodities, from Richmond, KY, to points in the States of AZ, CA, CO, ID, NM, UT, NV, WY, MT, OR, TX, OK, and WA, for 180 days. Supporting shipper(s); Exide Power Systems Division, ESB Incorporated, 101 Gibraltar Road, Horsham, PA 19044. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, Kansas City, Mo, 64106.

No. MC 142438 (Sub-No. 1TA), filed March 24, 1978. Applicant: MIDLAND CARRIERS, INC., R.D. No. 3, Alverton, PA 15612. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Conduit outlet boxes, structural braces and components* used in the installation of conduit outlet boxes, and electrical plugs, receptacles and parts, from the facilities of Midland-Ross Corp., Electrical Products Division, at or near Pittsburgh and Leetsdale, PA, to Athens, TN, under a continuing contract, or contracts, with Midland-Ross Corp. Electrical Products Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland-Ross Corp. Electrical Products Division, P.O. Box 1548, Pittsburgh, PA 15230. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 142672 (Sub-No. 15TA), filed March 21, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail and wholesale grocery food business houses; and (2) *materials, supplies and equipment* used in the conduct of such businesses, from Cincinnati and Columbus, OH; to Little Rock, AR; Los Angeles, CA; Memphis, TN; and Dallas and Houston, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Kroger Co., 1240 State Avenue, Cincinnati, OH. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 142703 (Sub-No. 2TA), filed March 24, 1978. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, Cincinnati, OH 45214. Applicant's representative: James Duvall, 220 West Bridge Street, Dublin, OH 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between Columbus, OH, on the one hand, and, on the other, points in OH, restricted to the transportation of shipments having a prior or subsequent movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 143433 (Sub-No. 3TA), filed March 21, 1978. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING, P.O. Box 157, Kendrick, OK 74040. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the facilities of New York Frozen Foods, Inc., at or near Bedford Heights, OH, to points in the United State (except ME, NH, VT, RI, CT, MA, ND, WY, MT, WA, ID, OR, AK and HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): New York Frozen Foods, Inc., 25900 Fargo Avenue, Bedford Heights, OH 44146. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

No. MC 144437 (Sub-No. 1TA), filed February 23, 1978. Applicant: WALTERS ENTERPRISES, INC., 16935 Hummel Road, Brookpark, OH 44142. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products*, between Cleveland, Columbus, Hamilton, Perry and Warren, OH, on the one hand, and, on the other, points in IN on and south of Route 24, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 144437 (Sub-No. 2TA), filed February 23, 1978. Applicant: WALTERS ENTERPRISES, INC., 16935 Hummel Road, Brookpark, OH 44142. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products*, between Cleveland, Columbus, Hamilton, Perry, and Warren, OH, on the one hand, and, on the other, points in KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: James Johnson District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 144461 (Sub-No. 1TA), filed March 24, 1978. Applicant: BILLY M. EDMONDSON, d.b.a. EDMONDSON SWIFT MEAT TRANSPORT, Route 1, Georgetown, GA 31754. Applicant's representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses* as described in the *Descriptions* case, 61 MCC 209 and 766, (except hides and commodities in bulk), from the facilities of Swift & Co. at or near Guymon, OK, to points in AL, GA, NC, and SC, under a continuing contract, or contracts, with Swift & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift & Co., 115 W. Jackson Boulevard, Chicago, IL 60604. Sent protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 144478 (Sub-No. 1TA), filed March 24, 1978. Applicant: DENNIS WEBER, Box 72, Glen Elder, KS 67446. Applicant's representative: Clyde N. Christey, Kansas Credit Union Building, Suite 1101, 1010 Tyler, Topeka, KS 66612. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements and animal health and sanitation products*, from the plantsite and/or warehouse facilities of Ralston Purina Co. at or near Kansas City, MO, to points and places in Mitchell and Jewell Counties, KS, for 180 days. Applicant states it does not intend to tack or interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Powell Feed & Supply, R. R. 2, Mankato, KS 66956. (2) Soloman Rapids Grain Co., R. R. 3, Beloit, KS 67420. Send protests to: Thomas P. O'Hara District Supervisor, Bureau of Operations, Interstate Commerce Commis-

sion, 147 Federal Building and U.S. Courthouse, 444 S.E., Quincy, Topeka, KS 66683.

No. MC 144499TA, filed March 24, 1978. Applicant: SIDNEY R. SAVAGE, INC., West Kingfield Road, Kingfield, ME 04947. Applicant's representative: Paul K. Marshall, Riverside Street, P.O. Box 182, Kingfield, ME 04947. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured wood products*, from Strong, ME, to Chicago, IL, Atlanta, GA, Houston, TX, Milwaukee, WI, Miami, FL, and Tampa, FL, restricted to transportation performed under bilateral contract with Strong Wood Products, Inc., Strong, ME, and from Kingfield, ME, to Cleveland, OH, restricted to transportation performed under bilateral contract, or contracts, with Joneco, Inc., Kingfield, ME, for 180 days. Supporting shipper(s): Strong Wood Products, Inc., Strong, ME 04983; (2) Joneco, Inc., Kingfield, ME 04947. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 305, 76 Pearl Street, Portland, ME 04111.

PASSENGER CARRIERS

No. MC 61802 (Sub-No. 16TA), filed March 21, 1978. Applicant: THE COLONIAL TRANSIT CO., INC., P.O. Box 508, Fredericksburg, VA 22401. Applicant's representative: L. C. Major, Jr., Overlook Office Building, Suite 400, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, between Safari Campground, Route 1, Stafford County, VA, Prince William Travel Trailer Park, Prince William County, VA, and Pohick Bay Regional Park, Fairfax County, VA, and Washington, DC, for 180 days. Supporting shipper(s): (1) Marian H. Deyo Safari Campground, Route 3, Box 545 M, Stafford, VA 22554; (2) Prince William Travel Trailer Village, David C. Enders Concessioner, 16058 Dumfries Road, Dumfries, VA 22020; (3) Northern Virginia Regional Park Authority, Harold L. Conklin, Manager, 10651 Gunston Road, Lorton, VA 22079. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10, 502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

No. MC 95694 (Sub-No. 5TA), filed March 24, 1978. Applicant: DIAMOND TOURS, INC., Union Station, Washington, DC 20002. Applicant's representative: Manuel J. Davis, 1701 K Street NW., Suite 706, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in same vehicle, in charter operations, beginning and ending at Washington, DC, and extending to points and places within 500 miles in the States of MD, VA, PA, NY, DE, NJ, ME, VT, NH, RI, MA, WV, SC, NC, GA, TN, KY, OH, IN, IL, MI, CT, and ON, and PQ Provinces, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chesapeake Division Naval Facilities Engineering Command, Washington Navy Yard, Washington, DC. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

By the Commission.

H. G. HOMME JR.,
Acting Secretary.

[FR Doc. 78-10850 Filed 4-20-78; 8:45 am]

[7035-01]

[Rule 19; Ex Parte No. 241; Exemption No. 148]

EXEMPTION UNDER PROVISION OF THE MANDATORY CAR SERVICE RULES

It appearing, that there is an emergency movement of military supplies from Crane, Ind., to Earle, N.J.; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with car service rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service rule 19, the car service division of the Association of American Railroads is authorized to direct the movement to the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (Milwaukee), the railroads designated by the car service division are authorized to move to, and the Milwaukee is authorized to accept, assemble, and load not to exceed 100 empty plain boxcars with military supplies from Crane, Ind., to Earle, N.J., regardless of the provisions of car service rules 1 and 2.

It is further ordered, That this exemption shall constitute a modification of the provisions of section (a)(2)(ii) of service order No. 1309, and of all provisions of revised service order No. 1301 and of service order No. 1306.

Effective April 4, 1978.
Expires April 25, 1978.

INTERSTATE COMMERCE COMMISSION
ROBERT S. TURKINGTON,
Agent, Assistant Director, Bureau of Operations.

[FR Doc. 78-10851 Filed 4-20-78; 8:45 am]

[7035-01]

[Notice No. 15]

SPECIAL PROPERTY BROKERS

APRIL 17, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness on or before May 22, 1978.

Statements must be mailed to:

Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, DC 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-78-10, filed January 24, 1978. Applicant: THE HIPPAGE CO., INC., P.O. Box 3237, Custom House Station, Norfolk, VA 23514.

B-78-20, filed March 3, 1978. Applicant: SANTINI BROS., INC., d.b.a. The Seven Brothers and The Seven Santini Brothers, 1405 Jerome Avenue, New York, NY 10452. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-27, filed March 17, 1978. Applicant: MULLEN BROS. INC. OF NORTH ADAMS, MASS., Downing, Ind. Parkway, P.O. Box 1285, Pittsfield, MA 01201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-28, filed March 17, 1978. Applicant: GULF FORWARDING, INC., 260 East Bayview, Biloxi, MS 39533. Applicant's representative: Robert J. Galligher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-29, filed February 22, 1978. Applicant: ACME DELIVERY SERVICE, INC., 4250 Oneida Street, Denver, CO 80216. Applicant's representative: Jack L. K. Grunwald (same address as applicant).

B-78-34, filed March 31, 1978. Applicant: HOME PACK TRANSPORT, INC., 57-48 49th Street, Maspeth, Long Island, NY 11378. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-37, filed March 23, 1978. Applicant: KEITH INTERNATIONAL CORP., Bldg. 2144 MIAD, P.O. Box 522-293, Miami, FL 33152.

B-78-39, filed April 7, 1978. Applicant: SECURITY VAN LINES, INC., 100 West Airline Highway, Kenner, LA 70062. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-40, filed February 8, 1978. Applicant: SALENTINE & CO., INC., 4950 S. 2nd Street, Milwaukee, WI 53207. Applicant's representative: David A. Salentine (same address as applicant).

B-78-41, filed April 12, 1978. Applicant: ASTRON FORWARDING Co., a corporation, 1660 Factor Avenue, San Leandro, CA 94577. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10846 Filed 4-20-78; 8:45 am]

[7035-01]

[EX PARTE NO. 317]

THOMAS A. WEIR (WILLIAMSVILLE, N.Y.)

Decision and Order

APRIL 19, 1978.

On April 29, 1977, respondent Thomas A. Weir filed exceptions to the initial decision, served December 30, 1976. In that initial decision the Administrative Law Judge found that respondent does not possess the requisite qualifications to represent others before the Commission and recommended that respondent be disbarred pursuant to Rule 13 of the General Rules of Practice (now Rule 11 of the Rules of Practice). The Bureau of Investigations and Enforcement (Bureau) replied on May 19, 1977.

Respondent excepts generally on the grounds that (1) the hearing was held at a time when he could not be present and (2) the findings in the initial decision are unsupported by the evidence. Respondent requests, in the alternative, a modification of the recommended order, or a new hearing. The Bureau replies that (1) respondent voluntarily absented himself from the hearing, and (2) the findings are amply supported by the evidence.

The record indicates that respondent knew the date of the hearing, that he was contacted by telephone on the morning of the hearing and indicated that he would appear but, that contrary to those assurances, he did not appear. Although respondent is his exceptions refers to "the inability of the Respondent to be present at the hearing," he offers no explanation for the alleged inability to be present. Compare, *New Rochelle Moving & Storage—Contr. Car. Applic.*, 111 M.C.C. 418.

While the record supports the findings of the Administrative Law Judge, we believe that some further amplification is necessary. A practitioner, as a representative of a party before the Commission, is accorded that status as a privilege conditioned upon compliance with the Rules of Practice and related regulations. A necessary concomitant of those obligations is the continuing awareness by the practitioner that in his representative capacity he should exercise decorum and restraint. See, particularly the Rules of Practice, Appendix A, Canon 23, *How far a practitioner may go in supporting a client's cause.* Our review indicates that respondent's transgressions were prompted largely by his apparent personal and emotional involvement in a proceeding before the Commission. Notwithstanding that departure, we recognize that respondent previously maintained an unblemished record, is cognizant of his failure to abide by the Canons, and does request a modification of the recommended expulsion. In these circumstances, we believe that an appropriate remedy would be an official censure. The need to impose that action is dictated not by a desire to penalize respondent but the necessity to instill in him the requisite understanding of the obligations attached to the privilege of representing others before this Commission.

We find, the statement of facts, the conclusions, and the findings of the Administrative Law Judge, except as modified or supplemented herein, are proper and correct in all material respects and are affirmed and adopted as our own.

It is ordered, in the initial decision, sheet 11, delete the following sentence in the last paragraph: "Viewed in that context, one arrives ineluctably at the conclusion that the Bureau's recommendation be followed."

Sheets 11-12, delete the last sentence beginning on sheet 11: "His failure to appear and meet the record established by the Bureau looms large in the rationale to follow the Bureau's recommendation, and undeniably is a key factor in determining the eventual decision here."

Sheet 12, delete the first full paragraph and insert the following: The record warrants an official action by the Commission to instill in respondent the requisite understanding of the Canons and his obligations thereunder. The appropriate remedy is an official censure.

On sheet 12, in the Findings and Order, first paragraph, lines 2-3, delete "does not possess the requisite qualifications to represent others before the Interstate Commerce Commission and".

Sheet 12, delete the second, third, and fourth paragraphs and insert:

It is ordered:

The respondent, Thomas A. Weir, is officially censured.

This order shall be published in the FEDERAL REGISTER.

This proceeding is discontinued.

Decided April 13, 1978.

By the Commission.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-10845 Filed 4-20-78; 8:45 am]

[7035-01]

[Notice No. 8]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application MC's:	Final action or certificate or permit	Date of action
119789-324	119789-338	Feb. 27, 1978.
119880-77	119880-78	Oct. 28, 1976.
119880-82	119880-79	Aug. 25, 1977.
119955-4	119955-5	Oct. 13, 1977.
120761-7	120761-8	Sept. 16, 1977.
123061-78	123061-79	Apr. 8, 1977.
123255-66	123255-63	Mar. 28, 1977.
123255-68	123255-71	Jan. 27, 1977.
123255-75	123255-77	Mar. 7, 1977.
123407-290	123407-301	Aug. 29, 1977.
123407-345	123407-342	Oct. 4, 1977.
123454-4	123454-5	Feb. 23, 1978.
123675-2	123675-3	Apr. 21, 1977.
123885-23	123885-24	Aug. 17, 1977.
124004-33	124004-34	Oct. 20, 1977.
124078-667	124078-668	Feb. 14, 1977.
124078-670	124078-674	Nov. 16, 1977.
124078-677	124078-688	Dec. 28, 1976.
124078-706	124078-707	Sept. 16, 1977.
124236-79	124236-80	Oct. 8, 1976.
124306-23	124306-24	Mar. 23, 1977.
124328-90	124328-91	Nov. 12, 1976.
124328-102	124328-104	May 25, 1977.
124669-38	124669-39	Oct. 18, 1976.
124679-73	124679-69	July 26, 1977.
124711-38	124711-39	July 26, 1977.
124813-144	124813-148	Sept. 26, 1977.
124878-8	124878-9	Aug. 31, 1977.
125161-21	125161-20	Mar. 14, 1977.
125358-19	125358-21	Feb. 11, 1977.
125358-20	125358-21	Feb. 11, 1977.
125650-13	125650-15	Mar. 23, 1977.
125650-16	125650-18	July 26, 1977.
125777-161	125777-147	Oct. 31, 1977.
125777-164	125777-147	Oct. 31, 1977.
125777-168	124777-171	Sept. 14, 1977.
126118-23	126118-19	Aug. 15, 1977.
126118-30	126118-37	Nov. 11, 1977.
126503-13	141684	Dec. 22, 1977.
126545-9	126545-8	Dec. 16, 1977.
126555-41	126555-39	Mar. 16, 1977.
126736-82	126736-88	Jan. 5, 1977.
126736-83	126736-77	Oct. 19, 1976.
126736-86	126736-77	Oct. 19, 1976.
126736-87	126736-77	Oct. 19, 1976.
126899-93	126899-94	Oct. 8, 1976.
126920-3	126920-4	Feb. 18, 1977.

Temporary authority application MC's:	Final action or certificate or permit	Date of action
127303-21	127303-18	Dec. 29, 1977.
127647-2	127647-3	Apr. 21, 1977.
127752-3	127752-4	Nov. 16, 1977.
127881-7	127881-8	Oct. 6, 1977.
127840-43	127840-46	June 2, 1977.
127840-45	127840-50	Sept. 20, 1977.
127867-13	127867-14	June 20, 1977.
128021-22	128021-24	Dec. 20, 1977.
128021-25	128021-26	June 1, 1977.
128235-17	128235-18	Dec. 2, 1976.
128273-228	128273-233	Dec. 20, 1977.
128343-31	128343-30	Oct. 3, 1977.
128685-18	128685-20	Dec. 2, 1976.
129290-1	129290-2	Nov. 11, 1977.
129309-2	129309-3	Feb. 17, 1977.
129410-5	129410-6	July 25, 1977.
129455-17	129455-14	Feb. 23, 1978.
129475-10	129475-11	Oct. 14, 1976.
129633-3	129633-2	June 21, 1977.
129633-4	129633-5	Dec. 9, 1977.
129720-4	129720-5	Sept. 7, 1977.
129759-14	129759-12	Oct. 25, 1977.
129994-12	129994-13	Oct. 13, 1976.
133095-109	133095-139	Mar. 7, 1978.
133119-99	133119-45	Nov. 15, 1977.
133146-14	133146-15	Apr. 29, 1977.
133219-17	133219-12	May. 16, 1977.
133566-62	133566-64	Aug. 17, 1977.
133708-20	133708-21	Oct. 18, 1976.
133708-22	133708-23	July 26, 1977.
133708-24	133708-23	July 26, 1977.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10756 Filed 4-20-78; 8:45 am]

[Notice No. 9]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application MC's:	Final action or certificate or permit	Date of action
112617-339	112617-337	Feb. 24, 1977.
112617-342	112617-341	June 1, 1977.
112617-348	112617-349	Aug. 4, 1977.
112669-12	112669-13	Mar. 15, 1977.
112713-192	112713-182	Mar. 15, 1977.
112750-338	112750-340	Dec. 20, 1977.
112822-402	112822-403	Mar. 15, 1977.
112854-38	112854-39	Jan. 31, 1977.
113362-294	113362-277	Nov. 4, 1977.
113362-296	113362-297	Mar. 16, 1977.
113362-298	113362-286	Feb. 15, 1977.
113678-622	113678-623	Sept. 8, 1977.
113770-3	113770-4	Dec. 13, 1976.
113834-225	113843-228	Dec. 1, 1976.
113908-364	113908-369	Oct. 1, 1976.
113908-368	113908-378	Apr. 8, 1977.
113908-370	113908-373	Feb. 25, 1977.
113908-375	113908-372	July 22, 1977.
113908-377	113908-378	Apr. 8, 1977.
113908-393	113908-372	July 22, 1977.
114241-6	114241-7	Jan. 5, 1977.
114897-118	114897-121	Aug. 30, 1977.
114897-119	114897-121	Aug. 30, 1977.
114897-120	114897-121	Aug. 30, 1977.
115162-325	115162-323	June 17, 1977.
115311-185	115311-186	May 3, 1977.
115491-130	115491-131	Mar. 22, 1977.
115496-44	115496-45	Sept. 12, 1977.
115601-24	115601-23	Apr. 8, 1976.
115669-153	115669-154	June 23, 1977.
115730-10	115730-3	Feb. 24, 1977.
115931-34	115931-37	May 6, 1977.
116014-78	116014-77	Nov. 1, 1977.
116073-319	116073-333	Dec. 2, 1977.
116254-156	116254-157	Oct. 13, 1976.
116519-32	116519-33	Feb. 15, 1977.
116645-21	116645-22	July 19, 1977.
116710-21	116710-20	Jan. 17, 1978.
116880-4	116880-5	June 30, 1977.
116947-49	116947-50	Feb. 17, 1978.

Temporary authority application MC's:	Final action or certificate or permit	Date of action
117068-56	117068-60	Nov. 18, 1977.
117119-563	117119-568	Sept. 29, 1976.
117119-574	117119-588	Aug. 24, 1977.
117119-587	117119-589	June 6, 1977.
117119-612	117119-621	Feb. 17, 1978.
117344-249	117344-250	Dec. 6, 1976.
117503-11	117503-9	Sept. 8, 1977.
117589-34	117589-38	Aug. 24, 1977.
117765-198	117765-196	Dec. 22, 1976.
117765-213	117765-216	May 25, 1977.
117883-212	117883-113	July 6, 1977.
118038-10	118038-13	Apr. 29, 1977.
118039-26	118039-25	Aug. 24, 1977.
118142-110	118142-111	Feb. 22, 1977.
118142-122	118142-120	Jan. 11, 1977.
118159-166	118159-175	Mar. 9, 1977.
118159-169	118159-180	Sept. 21, 1977.
118263-58	118263-59	Mar. 21, 1977.
118535-75	118535-81	Apr. 27, 1977.
118535-77	118535-74	Feb. 15, 1977.
118535-78	118535-80	Dec. 23, 1976.
118535-79	118535-76	May 23, 1977.
118745-18	118745-16	Apr. 7, 1977.
118831-132	118831-127	Jan. 20, 1978.
118959-132	118959-127	Feb. 14, 1977.
118989-130	118989-132	Mar. 30, 1977.
118989-134	118989-145	Jan. 27, 1978.
118989-142	118989-145	Jan. 27, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-10757 Filed 4-20-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3)

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[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., April 25, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:
Customer Protection Rules/policy discussion.
Reporting System/revision of forms 40 and 102.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-835-78 Filed 4-19-78; 9:27 am]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m., (Eastern Time), Tuesday, April 25, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public and part will be closed.

MATTERS TO BE CONSIDERED: Parts open to the public:

1. Staff Report on hearings concerning work-scheduling as it relates to religious discrimination.
Freedom of Information Act Appeal No. 78-3-FOIA-51, concerning a request for disclosure of whether an individual has filed charges of discrimination.
3. Modification of fiscal year 1978 funds allocated to 12 State and local agencies.
4. Designation of six State and local agencies as 706 agencies.
5. Revision of EEOC Order No. 110; Mission and Function Statements.
6. Proposed contract for an assessment center to aid in the evaluation of applicants for district director positions.
7. Report by Executive Director on Commission Operations.

Part closed to the public:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under §1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice Issued April 18, 1978.

[S-841-78 Filed 4-19-78; 11:23 am]

[6715-01]

3

FEDERAL ELECTION COMMISSION.

DATE & TIME: Wednesday, April 26, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit Reports, Compliance, Personnel.

* * *

DATE & TIME: Thursday, April 27, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED: Portions open to the public:

I. Future meetings.
II. Correction and approval of minutes.
III. Debt settlement procedures.
IV. FOIA regulations.
V. Appropriations and budget.
VI. Pending legislation.
VII. Pending litigation.
VIII. Liaison with other Federal agencies.
IX. Classification actions.
X. Routine administrative matters.

Portions closed to the public:

Any matters not concluded at the executive session of April 26, 1978.

* * *

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-842-78 Filed 4-19-78; 3:04 pm]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 16257, Published April 17, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 19, 1978.

CHANGE IN THE MEETING: The following item has been added.

Item No., Docket No., and Company

RP-6.—RP78-49, Alabama-Tennessee Natural Gas Co.

KENNETH F. PLUMB,
Secretary.

[S-834-78 Filed 4-19-78; 9:27 am]

[6730-01]

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., April 26, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Notation Items disposed of during March, 1978.

2. Report on times shortened for submitting comments on section 15 agreements during March, 1978, pursuant to authority delegated to the Secretary.
3. Report on Applications for Admission to Practice approved by the Secretary during the month of March, 1978, pursuant to delegated authority.
4. Assignment of Informal Dockets by the Secretary during March, 1978, pursuant to delegated authority.
5. Agreement No. 5600-36: Modification of the Philippines North American Conference Agreement to amend self-policing provisions.
6. Agreement No. 9978-13: Application for indefinite extension of a cooperative working arrangement among seven North Atlantic-Europe conferences.
7. Agreement No. T-3599: The 1977-1980 tonnage assessment agreement between the New York Shipping Association and the International Longshoremen's Association.
8. Agreements Nos. T-3453 and T-3453-A providing for use by the Puerto Rico Maritime Shipping of certain terminal facilities at Isla Grande, San Juan, Puerto Rico.
9. Docket No. 77-59: Conduct of Rulemaking Proceedings—Proposed final rules.
10. Docket No. 77-29: *Stockton Elevators* v. *Stockton Port District*—Review of order of dismissal of complaint.
11. Special Docket No. 535: *Farr Co.* v. *Seatrain Lines*—Review of Initial Decision.
12. Special Docket No. 541: A. E. Staley Mfg. Co., Decatur, *Illinois* v. *Mamenic Line*—Review of Initial Decision.

Portions closed to the public:

1. Docket No. 75-38: Puerto Rico Maritime Shipping Authority—General Increase in Rates—Petition of Puerto Rico Maritime Shipping Authority to reopen proceeding.
2. Seatrain Lines, Inc.—Activities under sections 16 and 18, Shipping Act, 1916.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-840-78 Filed 4-19-78; 10:17 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, April 26, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of proposed amendments to Rule 4.1(b) of the Commission's Rules of Practice concerning clearance of former employees to practice before the agency.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information: 202-523-3830; Recorded message: 202-523-3806.

[S-837-78 Filed 4-19-78; 10:03 am]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, April 27, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Monthly Policy Review Session: discussion of current Commission investigations concerning automobiles and the problems peculiar to this area of concern.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information: 202-523-3830; Recorded message: 202-523-3806.

[S-838-78 Filed 4-19-78; 10:03 am]

[6770-01]

8

FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting Notice No. 20-77]

ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date and Time	*Subject matter*
Wednesday, May 3, 1978, at 10:30 a.m.	Routine business
Wednesday, May 10, 1978, at 10:30 a.m.	Routine business
Wednesday, May 31, 1978, at 10:30 a.m.	Routine business

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, telephone 202-653-6156.

Dated at Washington, D.C. on April 17, 1978.

FRANCIS T. MASTERSON,
Executive Director.

[S-843-78 Filed 4-19-78; 3:04 pm]

[7035-01]

9

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, April 25, 1978.

PLACE: Room 4225, Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, D.C.

STATUS: Open Special Conference.

MATTER TO BE CONSIDERED: Management Issues Briefing (Office of the Managing Director).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Balwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-836-78 Filed 4-19-78; 9:27 am]

[7545-01]

10

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 2 p.m., Tuesday, April 25, 1978.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION:

George A. Leet, Acting Executive Secretary, Washington, D.C. 20570, telephone 202-254-9430.

Dated, Washington, D.C., April 19, 1978.

By direction of the Board.

GEORGE A. LEET,
Acting Executive Secretary,
National Labor Relations Board.

[S-839-78 Filed 4-19-78; 10:17 am]

[8010-01]

11

SECURITIES AND EXCHANGE COMMISSION.

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE AND TIME: Monday, April 17, 1978, 6 p.m.

The Commission held an open meeting on Monday, April 17, 1978, at 6 p.m. to discuss the following matter:

Proposed rule change filed by the Cincinnati Stock Exchange concerning a pilot program of an electronic multiple-dealer trading system. (Previously discussed on April 6, 1978 and April 10, 1978.)

Chairman Williams, Commissioners Evans, Pollack, and Karmel determined that Commission business required consideration of the matter and that no earlier notice thereof was possible.

APRIL 18, 1978.

[S-844-78 Filed 4-19-78; 3:04 pm]

federal register

FRIDAY, APRIL 21, 1978
PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing 2, 4, 5–T

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 882-2; OPP-30000/26]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing 2,4,5-T

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of rebuttable presumption.

SUMMARY: 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) has been found to exceed certain risk criteria set forth in 40 CFR 162.11. This notice requests registrants and other interested persons to submit rebuttals and other information on the presumption and to submit any other data on the risks and benefits of this pesticide chemical. This notice is the first of several which will give public notification of the Agency's progress in reviewing this chemical.

DATE: Rebuttal evidence and other information must be received on or before June 5, 1978.

ADDRESS MATERIAL TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Harvey Warnick, Office of Special Pesticide Reviews, Office of Pesticide Programs (WH-566), Room 447, East Tower, EPA, 202-755-5754.

SUPPLEMENTARY INFORMATION: The Deputy Assistant Administrator, Office of Pesticide Programs, EPA, has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing 2,4,5-T.[1]

I. Regulatory Provisions

A. *General.* Title 40, § 162.11, of the Code of Federal Regulations for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in § 162.11(a)(3). If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should also be given notice of the bases for the presumption to provide an opportunity for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption against registration is issued when the evidence related to risk meets the criteria set forth in § 162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only after the risks and benefits of a pesticide are carefully considered and it is determined that the pesticide may generally cause unreasonable adverse effects to the environment.

All registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in part II of this notice and, in the case of oncogenicity, to submit information which relates to the assessment of oncogenic risks as set forth in the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402). Registrants and other interested parties may submit for consideration data on benefits which they believe would justify registration or continued registration. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to section 6(a)(1) of FIFRA.

B. *Rebuttal criteria.* Section 162.11(a)(4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity or lack of emergency treatment criteria, "that when considered with the formulation, packaging, method of use, and proposed restrictions on the directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional, or national populations of nontarget organisms is not likely to result in any significant acute adverse effects" (40 CFR 162.11(a)(4)(i));

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria, "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects" (40 CFR 162.11(a)(4)(ii)); or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error" (40 CFR 162.11(a)(4)(iii)).

C. *Benefits information.* In addition to submitting evidence to rebut the presumption of risk, § 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence[2] submitted by the registrant, applicants, and other interested persons will be considered by the Administrator in determining the appropriate regulatory action. Specifically, § 162.11(a)(5)(iii) provides that if the benefits appear to outweigh the risks, the Administrator may issue a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registration(s) should be cancelled or application(s) denied. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to section 6(c) of the Act.

II. Presumptions

Registrations and applications for registration of pesticide products containing 2,4,5-T meet or exceed the 40 CFR 162.11(a)(3) risk criteria relating

[1] A position document, containing an appendix of references, background information, and other material pertinent to the issuance of this notice, has been prepared by the Agency Working Group on 2,4,5-T and is also published with this notice.

[2] Registrants or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.
2. Identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.
3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.
4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.
5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticides.
6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

to oncogenic effects and teratogenic and/or fetotoxic effects in mammalian test species. The Agency's basis for concluding that these risk criteria have been met or exceeded is set out in "2,4,5-T: Position Document 1," which follows. Copies of attachments to the Position Document which are not published with this notice are available for public inspection in the Office of Special Pesticide Reviews. Information protected from disclosure pursuant to FIFRA section 10 cannot be provided. Specific inquiries concerning the Position Document, as well as requests for access to these files, should be directed to Project Manager Harvey Warnick, Office of Special Pesticide Reviews (WH-566), EPA, Room 447, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-5754.

A. *Oncogenicity.* 40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide "(i)nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *." As a further clarification of the provision, the preamble to the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402) states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that all registrations and applications for registration of pesticide products containing 2,4,5-T and/or its dioxin contaminant (TCDD) exceed this risk criterion, and that a rebuttable presumption against new or continued registration of such products has arisen.

B. *Other chronic or delayed toxic effects.* 40 CFR 162.11(a)(3)(ii)(B) provides that rebuttable presumption shall arise if a pesticide "(p)roduces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety * * *."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that all registrations and applications for registration of pesticide products containing 2,4,5-T and/or TCDD exceed this risk criterion for teratogenic and/or fetotoxic effects and that a rebuttable presumption against new or continued registration of such products has arisen.

III. Additional Grounds for Review

As discussed in detail in the attached Position Document, some data has associated 2,4,5-T and/or TCDD with mutagenic effects in test animals and TCDD with toxic effects in humans. The data and analyses available at this time with respect to these effects are not sufficient to warrant the issuance of a Rebuttable Presumption. The Agency specifically solicits further evidence bearing on these possible adverse effects. All comments and information received with respect to the potential adverse effects, including analysis thereof, may serve as a basis for a final decision on registering pesticides containing 2,4,5-T and/or TCDD.

IV. Registrations and Products Subject to the Notice

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent or until June 5, 1978, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.

A registrant or applicant for registration may, if it desires, assert a business confidentiality claim covering part or all of the informaion submitted in rebuttal. The registrant or applicant may assert the claim by placing on or attaching to the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise nonconfidential documents should be clearly marked.

If a confidentiality claim is asserted, the information covered by the claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 CFR part 2, subpart B (41 FR 36906; September 1, 1976). If no confidentiality claim accompanies the information at the time it is received by EPA, EPA will place the information in the public comment file where it will be available for public inspection.

If a registrant or applicant does assert a confidentiality claim for some but not all, of the information submitted to EPA in rebuttal, the registrant or applicant should furnish two copies of the information to EPA. The first copy should contain all of the information submitted in rebuttal with information claimed as confidential clearly identified. The second copy should be identical to the first except that all information claimed as confidential should be deleted. The second copy will be placed in the public comment file. The first copy will be treated in accordance with the procedures set out above.

V. Duty to Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to section 6(a)(2) of FIFRA and 40 CFR 162.8(d). If any registrant of 2,4,5-T products has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which have not been previously submitted to EPA, the material must be submitted immediately. When responding to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

VI. Public Comments and Inspection

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this notice and on the material contained in the Position Document are solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed are requested to be submitted to EPA as soon as possible. Specifically, information on the fate and effects of 2,4,5-T, its impurities, metabolites, and degradation products on flora and fauna, particularly animals with metabolism similar to man, is solicited. Similarly, any studies or comments on the benefits from the use of 2,4,5-T are requested to be submitted. All comments and information received, as well as any other relevant information and analysis thereof, which come to the attention of the Agency may serve as a basis for final determination pursuant to § 162.11 (a)(5).

All comments and information should be sent to the Office of the Federal Register Section at the address given above, if possible in triplicate to facilitate the work of the

Agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP-30000/26." Comments received after the specified time period will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii).

All written comments and information filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days. Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since: (1) All of the information received may serve as a basis for final determination pursuant to § 162.11(a)(5), and (2) the Agency will not generally publish a summary of information received in the FEDERAL REGISTER at the close of the rebuttal period.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the FEDERAL REGISTER, but rather handled by mail with affected parties. Omissions will be corrected by notice in the FEDERAL REGISTER.

Dated: April 11, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

2,4,5-T: POSITION DOCUMENT 1

2,4,5-T WORKING GROUP, U.S. ENVIRONMENTAL PROTECTION AGENCY

i. Background

A. *Chemical/physical characteristics.* The herbicide commonly known as 2,4,5-T (chemical name, 2,4,5-Trichlorophenoxyacetic acid) has an empirical formula of $C_8H_5Cl_3O_3$. The pure acid form occurs as white crystals and has a molecular weight of 255.49. The melting point is 156.6°C. Its solubility in water is 278 parts per million (ppm) at 25°C; it is also soluble in acetone, ethanol, ether, and alkaline solutions (*1*). The esters of 2,4,5-T are formulated to be emulsifiable in water and soluble in most oils, while its amine salts are soluble in water but insoluble in petroleum oils (*2, 3*).

B. *Manufacturing process and contaminants.* 2,4,5-T is produced commercially by a process using 1,2,4,5-tetrachlorobenzene as the starting material which is reacted with methanol and sodium hydroxide under high termperature and high pressure to give the sodium salt of 2,4,5-trichlorophenol (2,4,5-TCP).[1]

This product is reacted with chloroacetic acid under mildly alkaline conditions. Sulfuric acid (H_2SO_4) is then added to the product of this step to produce 2,4,5-T. The acid form of 2,4,5-T can be readily reacted with a variety of alcohols to produce a large selection of esters and with amines to produce amine salts (*3*).

During the first step in the manufacturing process of 2,4,5-T, if temperature and pressure are not carefully controlled, highly toxic contaminants, polychlorinated dibenzo-p-dioxins, may be formed in large quantities. The particular dioxin formed is dependent on the chlorophenols present (*4*). The term dioxin does not apply to any one compound but to a group of related substances, which are distinguished by the number and orientation of chlorine atoms they contain. Dioxin toxicity also varies with the position and numbers of chlorines attached to the phenol rings.

In the 2,4,5-T manufacturing process an especially toxic dioxin, 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), is formed when the reaction temperature is excessive (*8, 9, 10, 11, 12*), most commonly at temperatures above 160°C. Halogens at the 2, 3, and 7 positions are known to produce toxic dioxins (*13*). In the case of TCDD, the chlorine atoms are attached at the 2, 3, 7, and 8 positions which are considered the most toxic positions possible (*14*). The dioxin contaminant in 2,4,5-T is of particular concern because of its extremely high toxicity, and because of the apparent inability of manufacturers to produce 2,4,5-T without the contaminant, TCDD (*7*).[2]

TCDD occurs as a white crystalline solid. It is 99.5 percent decomposed at 800°C. TCDD has the following solubility in various solvents at 25°C (*7*).

Solvent	Solubility[1]
Acetone	0.011
Benzene	0.057
Dimethylsulfoxide	<00.01
Methanol	0.001
Water	[3]0.00000002

[1]Weight percent.
[2](0.2ppb)

It has been recognized for quite some time that chlorinated dibenzo-p-dioxins occur as possible by products (contaminants) in the manufacturing of chlorinated phenols (*15*). The formation of TCDD during production of 2,4,5-TCP was demonstrated by Kimmig and Schulz (*16*). TCDD was obtained from the pyrolyzing of 2,4,5-TCP by Higginbotham et al. (*11*). They noted that the specific dioxin formed depended on the chlorophenol pyrolyzed. Kearney et al. (*17*), however, reported that TCDD is historically associated with any pesticide derived from 2,4,5-TCP. A number of researchers (*12, 18, 19, 20, 21*) have reported on the formation of TCDD by thermal decomposition of the sodium salt of 2,4,5-TCP under alkaline conditions during the manufacturing process.

Since 1950, most of the chemical industry has known that large quantities of TCDD may be formed as a byproduct of the 2,4,5-TCP manufacturing process if the procedures are not carefully controlled. At one time, 2,4,5-T was produced which contained between 30 to 40 ppm of TCDD (*7, 22, 55*). Between 1968 and 1969, one manufacturer had a 90 percent decrease in the amount of TCDD present in the 2,4,5-T it produced. Different manufacturers produced 2,4,5-T with different TCDD contents (*17*).

After concern arose in 1969 about the extremely toxic effects of TCDD, manufacturing methods were changed and carefully controlled by manufacturers. By 1971 industry had reduced TCDD content in commercial samples of 2,4,5-T to less than 1 ppm (*9, 23, 24*). Current U.S. manufacturing specifications require 2,4,5-T presently being sold to contain less than 0.1 ppm TCDD (*7*). Several countries now produce commercial 2,4,5-T containing less than 0.05 ppm TCDD (*25*).

C. *Formulation and class.* 2,4,5-T is classed and used as a selective herbicide, especially for brush control (*2*). It is formulated in many forms of salts and esters which are available as emulsifiable concentrates containing 2, 4, or 6 pounds actual acid equivalent per gallon and as oil soluble concentrates with 4 or 6 pounds active ingredient (AI) per gallon. The most commonly used formulations are the low volatile esters (*26*). 2,4,5-T also occurs in registrations mixed with 2,4-D, Dicemba, Picloram, Silvex, and 2-(2-methyl-4-chlorophenoxy) propionic acid (*27*).

D. *Registered uses and production.* 2,4,5-T has been produced as a registered pesticide in the United States since 1948. According to EPA records, approximately 122 companies hold Federal registrations and formulate 424 registered products; eleven companies have former State registration[3] and fomulate 21 products.

Section 7(c) of FIFRA requires manufacturers and formulators to submit to EPA information on production, sales, and distribution. Under FIFRA sections 7(c) and 10, this information may not be made available to the public. A confidential memorandum containing this information has been sent to the Deputy Assistant Administrator for Pesticides (*28*). The Pesticide Review (*29*) reported that 11,626,000 pounds of 2,4,5-T acid, esters, and salts were produced in the United States in 1969 and 12,335,000 pounds in 1970. The Pesticide Review, (*29*) also reported that the United States imported 738,907 pounds of 2,4,5-T during 1971 through 1974.[4] Of this total 155,342 pounds were imported in 1974. This was down from nearly 392,000 pounds in 1973 but up from the 5-year average of 148,000 pounds. While The Pesticide Review (*29*) does not report export figures for 2,4,5-T alone, it does report exports of 2,4-D and 2,4,5-T together. Export of 2,4-D and 2,4,5-T was reported at 6.8 million pounds in 1972; 21 million pounds in 1973; and almost 22 million pounds in 1974.

A great deal of variability exists in reports on usage of 2,4,5-T. Agricultural end-use data obtained from the National Study of

[1]2,4,5-TCP is the subject of a separate Rebuttable Presumption Against Registration (RPAR) Position Document. It is discussed in this document because both it and its contaminant 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) may be present in some commercial 2,4,5-T and in 2,4,5-T samples used in animal experiments.

[2]Since manufacturers are unable to produce 2,4,5-T without TCDD, all references to 2,4,5-T in this document refer to 2,4,5-T contaminated with some level of TCDD.

[3]Pesticide products formerly registered under state pesticide registration laws and shipped or distributed for sale solely within intrastate commerce are subject to Federal pesticide regulations under 40 CFR 162.17(a). Application has been made to obtain Federal registration for intrastate use of these products. For a list of trade names under which 2,4,5-T is marketed, see the registrant/product list attached to this document. 000

[4]The level of TCDD in the imported 2,4,5-T was not reported.

Agricultural, Governmental, and Industrial Uses of Pesticides, conducted by this Agency (*30*), indicated the following uses of 2,4,5-T in the United States in 1974.

Crop	pounds AI applied	% total agriculture
Rangeland and Pastures	968,000	97.24
Rice[a/]	16,000	1.54
Nursery Crop	12,000	1.20
Turf and Ornamentals	200	0.02
Blueberries[b/]	8	--
Estimated total use in agriculture for 1974	996,000	100.00

a/ The Agency has looked at effects on aquatic organisms representative of species likely to be exposed from application of the triethylamine formulation of 2,4,5-T to rice. The calculated concentration of this formulation in a 6-inch layer of water at the highest recommended use rate is 0.9 ppm. The LC-50 bioassay values for bluegill and catfish are well above this level (ranging from a 24-hour LC-50 of 53 ppm for bluegill to a 96-hour LC-50 of >72 ppm for bluegill and channel catfish). Rainbow trout, which cannot be considered "representative of the organisms likely to be exposed" in the geographic areas where rice is grown, have a 96-hour LC-50 ranging from 0.7 to 0.07 ppm.
b/ This is no longer a registered use.

In addition, this survey reported that 324,491 pounds of active 2,4,5-T were used by Federal and State agencies and 659,463 pounds by industry.

Other sources have reported usages for 1974 as follow: Rights-of-way, 4 million pounds; rangeland, 1.5 to 2.3 million pounds; rice, 220,000 pounds; and forestry, 50,000 pounds.

E. *Metabolism in Experimental Systems.* Several studies have demonstrated that 2,4,5-TCP is the primary degradation product or metabolite formed in the breakdown of 2,4,5-T, by either physical or biological mechanisms. Crosby and Wong (*31*) found that 2,4,5-TCP was one of the major decomposition products in the photodecomposition of 2,4,5-T in water. Sharpee (*32*) found that microbial degradation of 2,4,5-T in culture, soil, and aquatic ecosystems resulted in the formation of small amounts of 2,4,5-TCP.

Shafik et al. (*33*) dosed Sprague-Dawley rats by gavage with 2,4,5-T at 50, 5, 0.05, and 0.005 mg/kg for three days. Two rats were dosed at each level. The authors found that, at 0.005 mg/kg, excretion of 2,4,5-T in urine was complete two days after the final dose. They also found 2,4,5-TCP excreted as a metabolite in the urine of rats given 50 mg/kg, but no detectable 2,4,5-TCP was found at the two lowest dose levels. A hydroxylated trichlorophenoxyacetic acid and a hydroxylated trichlorophenol were identified, by unconfirmed mass spectrometric analysis, as possibly being two additional metabolites of 2,4,5-T.

Grunow et al. (*34*) studied seven male Wistar rats fed a single 2,4,5-T dose at 50 mg/kg body weight. They found that the daily renal excretion of free 2,4,5-T was, in general, at its maximum on the second day after feeding. After seven days, free 2,4,5-T in the urine decreased to a value below 2 percent for all amimals. In addition to 2,4,5-T excreted in the free form, the authors found it to be excreted as derivatives which could be converted into 2,4,5-T by acid hydrolysis. They were able to identify one of these as N(2,4,5-trichlorophenoxyacetyl) glycine.

Grunow and Bohme (*35*), in a study using Wistar rats and NMRI mice, fed doses of 2,4,5-T at 200 mg/kg body weight. These authors isolated N(2,4,5-trichlorophenoxyacetyl) taurine as a metabolite of 2,4,5-T, in addition to the metabolites named above.

Clark et al. (*36*) found residues of 2,4,5-TCP in the muscle, liver, and kidney of sheep which were fed rations containing 2,000 ppm of 2,4,5-T for 28 days. The 2,4,5-T used in this study had a purity of 99 percent and contained no detectable dioxin (detection limit: 0.5 ppm).

Leng (*37*) conducted a feeding study during 1969 and 1970, in which dairy and beef cattle and sheep were given 2,4,5-T at levels from 10 to 2,000 ppm in the total diet for intervals of two to four weeks at each level tested. The author reported that no residues (<0.05 ppm) occurred in milk or cream of cows ingesting 10 to 30 ppm 2,4,5-T. At 100 ppm 2,4,5-T in the diet, traces of 2,4,5-TCP (0.06 ppm) appeared in milk and cream. When given high levels of 2,4,5-T, equivalent to 300 and 1,000 ppm in the total diet, residues of 2,4,5-T and 2,4,5-TCP ranged from 0.05 to 0.5 ppm in the milk of individual cows.

Fitzgerald et al. (*38*), studying the degradation of 2,4,5-T in woody plants, reported that colorimetric analysis suggested, and chromatographic analyses confirmed, that the n-butyl ester of 2,4,5-T is degraded in sweet gum (*Liquidambar styraciflua*) and southern red oak (*Quercus falcata*) to yield 2,4,5-TCP.

F. *Environmental fate.*—(1) *Persistence: Soils.* Soil surface and foliage are the major recipients of phenoxy herbicides (*39*) whether applied by ground spray systems or from aircraft. Once 2,4,5-T reaches the soil it may be degraded chemically or biologically, volatilized and moved to other areas, absorbed on soil colloids or in organic matter, or leached to depths or location where it cannot be absorbed by plant roots (*47*).

Norris et al. (*176*) reported on the persistence of 2,4,5-T in a Pacific Northwest forest. The authors found that 6 months after application of 2,4,5-T at 2.24 kg/ha (2 pounds/acre), the level of herbicide in the forest floor declined 90 percent; after 1 year, less than 0.02 kg/ha remained in the forest floor. The authors found little leaching of 2,4,5-T from the forest floor into soil, and no residues were found deeper than 15 cm (maximum residue found was 0.08 ppm) despite rainfall of 24 cm the first month and 70 cm the first 3 months after application. Norris et al. (*176*) stated that the rapid disappearance of 2,4,5-T from the forest floor suggests abundant microbial activity. Norris (*40*) reported microbial activity to be important in the disappearance of 2,4,5-T from forest-floor material in the laboratory.

Wiese and Davis (*41*) found that, in an agricultural soil, 2,4,5-T remained in the upper 6 inches even after application of 4.5 inches of water over a short period of time.

Helling et al. (*39*) found that 2,4,5-T is relatively mobile in sandy soils but that movement decreases as organic content increases. Thus 2,4,5-T is moderately mobile in clay soils and only slightly mobile in muck (*42*).

Yoshido and Castro (*43*) studied the degradation of 2,4-D, 2,4,5-T, and Picloram in two Philippine soils under upland and submerged conditions. The authors found the degradation of 2,4,5-T to be rapid in Maahas clay. Slightly more 2,4,5-T residues were recovered in submerged than in upland Maahas soil. In Luisiana soil under submerged conditions, 2,4,5-T degraded rapidly in 8 weeks after a 4-week lag period, while it degraded gradually under upland conditions, with only about 40 percent of the 2,4,5-T recovered after 12 weeks.

Morton et al. (*44*), using technical grade 2,4,5-T labeled in the carboxyl position with carbon-14, found that its apparent half-life averaged 1.6 weeks in green tissues of native grasses at College Station and Spur, Tex., and 1.7 weeks in litter tissue. The authors stated that the amount and frequency of rainfall were conducive both to leaching and microbial decomposition of the herbicide,

and to growth of sideoats gramma plants, all of which were factors contributing to rapid reduction of herbicide concentrations.

When considering the persistence of 2,4,5-T, the persistence of its manufacturing contaminant, TCDD, must also be considered. Helling et al. (*39*) found that TCDD was not photodecomposed on soil. TCDD was found to be immobile in Norfolk and Lakeland sandy loams, Hagerstown silty clay loam, Barnes Clay loam, and Celeryville muck, and was not leached further into soil by rainfall or irrigation. During surface erosion of soil, however, lateral transport of TCDD could occur. The persistence of TCDD in Lakeland loamy sand and Hagerstown silty clay loam at 1, 10, and 100 ppm was studied by Kearney et al. (*46*) for 360 days. After 1 year these researchers recovered 56 and 63 percent of the originally applied TCDD in Hagerstown and Lakeland soils, respectively. Helling et al. (*39*) observed that TCDD's persistence was predictable since it is insoluble in water.

(2) *Persistence: Water.* Current information indicates that, although some 2,4,5-T may enter streams flowing through or adjacent to areas being sprayed, residue levels in streams will be very low. Norris (*47*) reported the results of an intensive study of stream contamination from spray projects on range and forest lands in Oregon which showed that peak concentrations of phenoxy herbicides seldom exceeded 0.1 ppm and that herbicide residues persisted for only a few hours in nearly all streams. Norris (*47*) speculated, however, that application of herbicides to marshy areas may result in high-level, long persistence of chemical residues in nearby streams.

The Report of the Advisory Committee on 2,4,5-T to the Administrator of the Environmental Protection Agency (*48*) stated that all available data indicated that the amount of 2,4,5-T entering water is small and does not persist long. It is adsorbed on clay or absorbed by biota within a matter of days.

Phenoxy chemicals entering water may be lost by volatilization, degradation, adsorption on sediment, adsorption by biota, and dilution as additional stream water passes through the site. Almost all authorities agree that there is adsorption on bottom sediment (*48, 49, 50*).

Kenaga (*51*) stated that esters of 2,4,5-T in most kinds of water, except highly acidic waters, are usually hydrolyzed within a matter of days. When the 2-ethylhexyl ester of 2,4,5-T was applied to water in the laboratory at a concentration of 1 ppm for an hydrolysis study, 58 percent remained after 4 hours; 33 percent after 8 hours; and 12 percent after 16 hours.

Trichell et al. (*52*), studying the loss of herbicides in runoff water, found 2 μg/ml of 2,4,5-T in runoff water 24 hours after it was applied at 2.24 kg/ha, after which 1.3 cm of rainfall was simulated on sod-covered plots of 3 percent slope. Four months after application, concentrations of 2,4,5-T in runoff water had diminished to 0.04 μg/ml.

Edwards and Glass (*53*) monitored runoff and percolation of 2,4,5-T at Coshocton, Ohio, for 14 months following application of 11.2 kg/ha of 2,4,5-T and found that 5.5 g/ha, or over 0.05 percent of the herbicide, was lost from the treated area. Most of the 2,4,5-T was removed in runoff water during the first 4 months after application, and more than half of the loss occurred the first month after treatment.

Kearney et al. (*46*) concluded that contamination of underground water supplies with TCDD seemed very unlikely, since vertical movement of TCDD did not occur in a wide range of soil types. The fact that no leaching occurred, however, would not preclude runoff loss when soil erosion is significant (*39*).

(3) *Transport.* Isensee and Jones (*54*) measured uptake of TCDD from soil by two crop species. Oats (*Avena sativa*) and soybeans (*Glycine max*) were grown in Lakeland sandy loam soil treated with 0.06 ppm TCDD. The concentration of TCDD in soil was approximately 4,000 times greater than the amount that would be deposited in soil from an application of 2,4,5-T (with 1 ppm TCDD) at a rate of 2 pounds/acre in the top one-third inch of the soil surface. The tops of these plants were harvested at intervals to maturity. Mature oats and soybean tops contained less than 1 part per billion (ppb) TCDD. TCDD was detected (with a detection limit of 1 ppb) in mature oat grain, while no TCDD was found in the bean of soybeans. The authors concluded that soil uptake of TCDD by plants was highly unlikely, since little or no TCDD was taken up by oats or soybeans under the conditions of this experiment (*54*).

(4) *Bioaccumulation.* Woolson et al. (*55*) conducted a study to determine if TCDD residues could be detected in bald eagle (*Haliaectas leucocephalus*) tissue extracts, as a representative of the top of a food chain. Scientists at the Patuxent Wildlife Center (U.S. Department of the Interior, Laurel, Md.) collected, and furnished to these researchers, 19 bald eagle carcasses from Alaska, Maine, North Dakota, Wisconsin, Michigan, Minnesota, Arkansas, Illinois, Missouri, Maryland, Virginia, Iowa, New York, New Jersey, and Florida between 1966 and 1971. These States were selected as sampling sites in order to provide a widely dispersed sample population. The eagle tissues were prepared and extracted as described by Mulhearn et al. (*56*). Woolson et al. (*55*) detected no dioxin residues at a level of 0.05 ppm TCDD, the lower limit of detection for most pesticides in tissue samples run by the Patuxent Wildlife Research Center at that time. The authors stated that the nondetection of dioxin residues could imply that there was no dioxin buildup in the food chain; that the buildup was less than the [then] currrent detectable level of 0.05 ppm [50 ppb]; that the eagles examined were not contaminated although other samples might be; or that other species could feed on a different food chain to accumulate dioxins.

Isensee and Jones (*57*) exposed several organisms in a model aquatic ecosystem to ^{14}C-labeled TCDD for up to 31 days to determine the distribution and bioacumulation potential in the aquatic environment. Soil containing from 0.0001 to 7.45 ppm adsorbed ^{14}C-TCDD was placed in aquaria, containing eight snails (*Physa sp.*) a few strands of algae (*Oedogonium carduacum*), and 10 ml of old aquarium water containing various diatoms, protozoa, and rotifers. Fifteen duckweed (*Lemna minor*) plants were also added to one aquarium. Samples of daphnids were taken for analysis at 30 days, and two mosquito fish (*Gambusia affinis*) were added to each tank. Three days later all of the organisms were removed for analysis, and two fingerling channel catfish (*Ictalurus punctatus*) were added to each tank and exposed for 6 days.

The authors stated that all organisms in both treatment and control tanks prospered during this exposure period, indicating that TCDD was not toxic at the concentrations used. TCDD accumulated in all organisms. At the highest TCDD concentration (7.45 ppm) algea accumulated 6,690±960 ppb TCDD; snails, 1,820±170 ppb; daphnids, 10,400±480 ppb; and Gambusia, 1,380±220 ppb. Catfish were not analyzed for TCDD residues. At the second highest TCDD concentraion (3.17 ppm), however, catfish accumulated 720±130 ppb TCDD. The authors stated that accumulation in all of the test organisms from soil containing 0.1 ppb TCDD is important since this concentration approaches the concentration which would occur under normal field use of 2,4,5-T. The authors concluded that the data suggested that under certain circumstances (discharge of storm runoff from recently treated rangeland into a small pond), water-eroded surface soil or debris may contain enough TCDD for measurable residues (parts per thousant (ppt) quantities) to accumulate in fish or other aquatic organisms. However, the authors speculated that TCDD, originating from 2,4,5-T applications, discharged into large lakes, streams, or estuaries would probably become sufficiently diluted so that no measurable accumulation would occur.

As part of a broad study to determine whether 2,4,5-T use leads to TCDD accumulation in the environment, Shadoff et al. (*58*) collected samples of fish, mud, water, and human milk from areas in Texas and Arkansas. The Texas samples of water, mud, catfish, and walleyed pike were collected from the San Angelo Reservoir, an impoundment of the North Concho River. The authors stated that this watershed has large acreages that have been sprayed with 2,4,5-T at 0.5 pounds/acre (2,4,5-T acid equivalent) for brush control. These researchers also obtained six samples of human milk from mothers residing in general area of the San Angelo Reservoir. In addition, bass from a 125-acre pond in the heart of the Arkansas rice-growing area were collected. Water from this pond is used to flood rice fields treated with the equivalent of 1.25 pounds/acre of 2,4,5-T, acid, 4 to 8 weeks prior to flooding. The water is later drawn off the fields and pumped back into the pond for reuse. In addition, the pond is supplemented by water from wells and by water collected as runoff from surrounding rice fields during the rainy season. The authors stated that this cycle had been in use (including the proper use of 2,4,5-T) for 18 years up to the time of their study. The authors stated that no TCDD was detected in the tissues sampled, using a gas chromatography-mass spectrometry procedure with a detection limit which averaged less than 10 ppt. No evidence was found that TCDD is accumulating in the environment from the use of 2,4,5-T described in this study.

G. *Residues.*—(1) *Soil.* Woolson et al. (*55*) studied Lakeland sandy soil to determine if TCDD residues could be detected in soil receiving exceedingly large applications of 2,4-D and 2,4,5-T. The heaviest rate of 2,4,5-T application was 947 pounds-acre applied aerially during 1962 through 1964, while the lightest rate was 160 pounds-acre applied aerially during 1968 and 1969. During this period, it was not uncommon for commercial samples of 2,4,5-T to contain levels of 30 to 40 ppm TCDD.

The authors were able to detect small amounts of 2,4,5-T in the soil samples. They observed that the residue level decreased with time after application and stated that leaching and microbial decomposition could account for this decrease. Using a detection

limit of less than 1 ppb, the authors did not detect any TCDD at any depth in 36-inch core samples of the soil.

(2) *Water.* In October 1965, the U.S. Geological Survey initiated a limited program of pesticide monitoring on 11 waterways in the west United States (*59*). The streams, representing agricultural areas were the probability of observing pesticide residues would be greater, included the Missouri, Brazos, Yellowstone, Sacramento, Colorado, Arkansas, Yakima, Rio Grande, and Snake Rivers. Pesticides chosen for analysis included the insecticides aldrin, DDD, DDE, DDT, dieldrin, endrin, heptachlor, heptachlor epoxide, and lindane, and the herbicides 2,4,-D, 2,4,5-T, and silvex. The authors reported that no herbicide was found at any time at any station during the first year of the sampling program. The lower limit of sensitivity (detection) was 5 ppt.

Manigold and Schulze (*60*), reporting on the results of the U.S. Geological Survey stream monitoring program for the 2-year period October 1966 to September 1968, observed that beginning in August 1967 2,4-D, silvex, and 2,4,5-T had been detected frequently. 2,4,5-T was found in 28 of the 320 samples and ranged from 0.01 to 0.07 ppb. The authors stated that the established criteria permitted 100 μg/liter (ppb) for herbicides. These authors reported that the analytical procedures were changed from the preceding report to use Law's sample cleanup procedure, which permits routine detection of pesticides at 0.005 μg/liter in most waters.

Norris (*47*) observed that peak concentrations of phenoxy herbicides seldom exceeded 0.1 ppm in streams contaminated from spray projects on range and forest lands in Oregon.

Lawson (*61*) studied 2,4,5-T residues in storm runoff from three small watersheds in Arkansas. Two watersheds, one cleared and the other partially cut, were sprayed with the isooctyl ester of 2,4,5-T. A third watershed, adjacent to the two treated ones, was used as a control. Spraying was done in September 1971, June 1972, and July 1973, either to control woody sprouts and broadleaf vegetation or just to provide herbicide application for monitoring. The cleared watershed was treated with 4 pounds acid equivalent per acre and the partially cut site with 2 pounds/acre.

In water samples taken after the first runoff-producing storm in October 1971, Lawson (*61*) detected an average of 2.1 ppm 2,4,5-T from the cleared watershed and 1.0 ppm from the partially cut site. Maximum amounts detected were 2.2 and 1.3 ppm for the two areas. No 2,4,5-T was detected from the control site.

Only trace amounts (less than 0.2 ppm) were detected from each of the two treated sites after the next runoff-producing storms in November 1971. None was detected from the control.

In approximately 90 samples taken after storms during the period December 1971 through September 1973, no 2,4,5-T was detected by Lawson (*61*) in the runoff from the treated or control water sheds.

Since TCDD is immobile in soil (*39*) and soluble in water at only 0.2 ppb (*7*), the possibility of ground water contamination is virtually nonexistent (*46*). TCDD could be present in runoff when soil erosion is significant (*39*), and thus TCDD contamination of water bodies could occur.

A recent National Academy of Sciences report on drinking water stated that 2,4,5,-T and TCDD have never been detected in drinking water; the limit of detection was in the parts per trillion. However, the report did project the toxicity of 2,4,5,-T and TCDD, their acceptable daily intake, and suggested no-adverse-effect levels (*62*).

(3) *Air.* Prior to 1970, phenoxy herbicides were widely used for early postemergence control of weeds in wheat. Johnson (*63*) reported that air samples collected during spring and summer in the state of Washington where these crops are grown contained as much as 0.06 μg/m³ 2,4-D and 2,4,5-T. Assuming that a man inhales about 30 m³ of air per day, the authors estimated that exposure to 0.06 μg/m³ would amount to inhalation of 1.8 μg phenoxy herbicide/day or 0.025 μg/kg of body weight per day for a 70 kg man.

Ambient air monitoring for pesticides in predominantly agricultural areas of 28 states was conducted by the National Air Monitoring Program in calendear years (CY) 1970 through 1972 using ethylene glycol impinger type samples. Table 1 records the arithmetic mean of residues of 2,4,5-T detected in this program (*64*).

Table 1. Air Monitoring Data for 2,4,5-T in 28 State Monitoring Programs (1970 to 1972)

Name of State or City	2,4,5-T Ester Monitored For	ng/m³ CY 1970	ng/m³ CY 1971	ng/m³ CY 1972
Louisana	Isopropyl ester	-	ND	1.9
Montana		ND	ND	0.8
New Mexico		-	ND	1.0
Idaho		ND	ND	1.7
Illinois	BOEE	ND	3.6	ND
Oregon		ND	0.5	ND
Tennessee		1.1	ND	ND
Tennessee	Isooctyl ester	ND	2.7	ND
Oklahoma		ND	14.6	ND

ND = Not Detected.

(4) *Animals.* Phenoxy acetic acids are relatively strong acids, and animals rapidly excrete them unchanged in their urine (*36*). In their study of the fate of atrazine, kuron, silvex, and 2,4,5-T in the dairy cow, St. John et al. (*65*) found that dairy cows given 2,4,5-T and silvex in their feed at 5 ppm for four days, completely eliminated both 2,4,5-T and silvex as soluble salts in the urine two days after dosing stopped.

Zielinski and Fishbein (*66*) treated female C57BL/6 mice with a single subcutaneous injection of 100 mg/kg body weight of 2,4,5-T in dimethylsulfoxide solution. They sacrificed the animals at various intervals after injection and analyzed in toto for 2,4,5-T. The amounts recovered as percentage of the amount injected indicated decreasing levels at the following time intervals after dosing: at 0 hours, 77.1±5.0%; at 16 hours, 56.9±4.2%; and at 24 hours 23.7±3.6%.

In a preliminary report of a two-year chronic toxicity feeding study, Dow Chemical USA (*110*) reported the following residue data for rats fed indicated TCDD doses: 24,000 ppt in liver and 8,100 ppt in fat of females ingesting 2,200 ppt/day; 5,100 ppt in liver and 1,700 ppt in fat of females ingesting 220 ppt/day; and 540 ppt in liver and fat of females ingesting 22 ppt/day. The preliminary report gives no residue data for treated males, or for controls of either sex.

Piper et al. (*67*) studied the fate of 2,4,5-T following oral administration to rats and dogs. Four groups of three male and three female Sprague-Dawley rats (Spartan strain) and two male and two female adult beagle dogs were given single doses of ^{14}C-labeled 2,4,5-T by intubation at 5, 50, 100, and 200 mg/kg body weight in rats and 5 mg/kg body weight in dogs. The authors combined data obtained for males and females since the pharmacokinetics of 2,4,5-T were essentially the same in each sex. In this study, the clearance half-life for 5 mg/kg 2,4,5-T from dog plasma was 77.0 hours; in rats the half-life was 4.7 hours at 5 mg/kg and 4.2 hours at 50 mg/kg. At doses of 100 and 200 mg/kg body weight, the clearance half-life for rats increased to 19.4 and 25.2 hours, showing that the pharmacokinetics of 2,4,5-T varies with dose as well as with species. The authors suggested that the half-life values at 100 and 200 mg/kg body weight indicated that these doses may have exceeded the excretory capacity of the rats.

Zitko (*68*) assayed chlorinated dibenzodioxin residues in aquatic animals, but was unable to detect these compounds (detection limit: 0.04 μg/g [ppm] for TCDD) in any of several aquatic animals from Canadian locations. The author had selected species from high trophic levels of the aquatic food web to measure cumulative pesticide contamination. More recently, using improved analytical methods for detection of dioxin at ppt levels, Baughman and Meselson (*69*) found mean TCDD levels ranging from 18 ppt to 810 ppt in fish and crustaceans taken from Vietnamese rivers in August and September 1970. TCDD levels tended to be higher in fish from interior rivers than in those from seacoast locations. In comparison, Baughman and Meselson found less than 3 ppt TCDD in fish obtained in a market in Cape Cod, Massachusetts. In another study, Matsumura and Benezet (*70*) placed TCDD-coated sand directly in an aquarium containing brine shrimp, mosquito larvae, and fish (silverside). TCDD pickup was low in fish (2 ppb) and brine shrimp (157 ppb) under the experimental conditions. But mosquito larvae, which are bottom feeders, showed a surprisingly high rate of pickup (4,150 ppb). The authors concluded that TCDD was not likely to accumulate in as many biological systems as DDT because of TCDD's low solubility in water and lipids, as well as its low partition coefficient in lipids.

(5) *Plants.* Clark et al. (*36*) reported that, when herbicides are applied to rangeland, the levels of phenoxy herbicides available for ingestion by grazing livestock depend upon the nature and degree of cover, the rate and mode of application, time after application, and climate conditions. Studies by Morton et al. (*44*) showed that residues on grass immediately after application of 2,4,5-

T are not likely to exceed 100 to 150 ppm for each pound of actual herbicide applied per acre.

Leng (*37*) stated that herbicide residues in or on plants declined rapidly, with a half-life of one to two weeks, due to photodecomposition by sunlight, wash-off by rain, metabolism by plants, and dilution from growth of plants. 2,4,5-T was applied to grass in four states at an application rate of 4 pounds/gallon, 3 gallons/acre; initial residues immediately after treatment in California averaged 684 ppm (or 57 ppm/pound applied per acre); 1,668 ppm (or 139 ppm/pound) in Michigan; 1,464 ppm (or 122 ppm/pound) in North Carolina; and 1,332 ppm or (111 ppm/pound) in Texas. After two weeks, residues in the four locations averaged 26 to 34 ppm/pound per acre. After 16 weeks, all residues had declined to an average 3 ppm/pound applied per acre.

Bauer et al. (*71*) treated grass species indigenous to Victoria County, Tex., with 2 pounds/acre 2,4,5-T ester. One month after application the concentration averaged 4,060 ng/g (ppb) for 2,4,5-T acid and 2,890 ng/g (ppb) for 2,4,5-T ester. Six months after application the concentration averaged 60 and 170 ng/g (ppb) for 2,4,5-T acid and ester, repectively.

Getzendaner and Hummel (*72*)[5] described a 1969 study in which a 2,4,5-T propylene glycol butyl ether ester formulation was sprayed on Texas grass at an application rate equivalent to 12 pounds of 2,4,5-T per acre; this rate was 6 to 24 times the usual rate applied to grazing lands for brush control. At this time, manufacturing specifications for no detectable TCDD in 2,4,5-T used a method sensitive to 1ppm. The authors found that residues of TCDD decreased rapidly from about 500 ppt TCDD within one day of application, to about 35 ppt TCDD after four weeks, and about 15 ppt TCDD after 16 weeks. The TCDD decrease roughly paralleled the loss of 2,4,5-T from the same grass.

(6) *Humans.* Matsumura (*73*) studied 2,4,5-T in the blood and urine of human male volunteers who had ingested the chemical. After ingesting 150 mg (2.2 mg/kg), the plasma concentration of 2,4,5-T in one subject reached a peak of 21.1 μg/ml after four hours. A linear, semi-logarithmic concentration-time curve (a gradient of −0.065) four hours post-treatment indicated first order elimination and absorption kinetics.

In a second part of this study, Matsumura gave two male volunteers single oral doses of 100 mg 2,4,5-T. Urine samples were collected over 72 hours. About 45 percent of the orignial dose was found in urine collected during the first 24 hours after treatment; 60 percent had been recovered 36 hours after treatment; and after 72 hours, more than 80 percent of the original dose of 2,4,5-T had been recovered.

Gehring et al. (*74*) also studied the fate of 2,4,5-T following oral administration to man. Five male volunteers, ages 31 to 58 years, each ingested a single 5 mg/kg oral dose of analytical grade 2,4,5-T, with a purity greater than 99 percent and less than the detectable level (0.05 ppm) TCDD, directly or as a slurry in milk. Blood, urine and feces were collected at intervals for up to 96 hours after ingestion. Essentially all (88.5±5.11 percent) of the 2,4,5-T ingested by these subjects was excreted unchanged in the urine after 96 hours. The plasma 2,4,5-T concentration increased rapidly following ingestion and after 7 hours reached a peak of approximately 57 μg/ml, after which the plasma contained 65 percent of the 2,4,5-T in the body, of which 99 percent was bound reversibly to protein.

Kohli et al. (*75*) also studied absorption and excretion of 2,4,5-T in man. Eight male volunteers, age 25 to 35 years, received a single oral dose (2, 3, or 5 mg/kg) analytical grade 2,4,5-T with a purity greater than 99 percent. Urine was collected up to 96 hours, and blood samples were collected up to 168 hours. 2,4,5-T was detected in some two-hour urine samples, indicating rapid excretion of the compound. More than half of the 2,4,5-T was excreted in the urine in the first 48 hours, although small quantities were still being excreted at 96 hours.

2,4,5-T appeared in all plasma samples 1 hour after 2,4,5-T ingestion, indicating rapid absorption. Maximum concentration (approximately 25 μg/ml for the 5 mg/kg dose) was reached between 7 and 24 hours after ingestion and began to decline at a first-order rate after 32 hours.

These investigators concluded that 2,4,5-T was readily absorbed from the gastrointestinal tract, that it was eliminated unchanged in the urine, and that the half-life for plasma clearance was 18.8±3.1 hours. These authors pointed out that, in general, higher recoveries were reported by Gehring et al. (*74*) who used an electron capture detector, instead of the flame-ionization detector used in their study.

The National Human Monitoring Program for Pesticides, through its cooperative arrangement with the Health and Nutritional Examination Survey II (Hanes II project), is currently analyzing human urine samples for silvex, 2,4,5-T, and 2,4,5-TCP (*64*). The survey is scheduled for completion in 1979, but some extremely tentative results are available. No quantifiable 2,4,5-T residues have been detected in the first 400 samples; however, trace amounts (<10 ppb) have been found in a few samples.

Dougherty and Piotrowska (*177*) reported on screening of human urine for environmental contamination with toxic residues by negative chemical ionization mass spectrometry. The procedure is based on solvent extraction with minimal clean-up followed by examination with negative chemical ionization mass spectrometry for organochlorine residues and related compounds with masses greater than 130 daltons. Urine for the screening procedure was obtained from students at Florida State University (25 dorm residents; 21 football team members; and 11 swimming team members). The authors reported that the limited survey of human urines indicates contamination of the subjects with 2,4,5-T, pentachlorophenol, other polychlorophenoxy acids, and numerous unknown compounds. The authors indicated that 2,4,5-T was found in 36 percent (9/25) of the dorm residents; 24 percent (5/21) of the football team; and 9 percent (1/11) of the swimming team. The authors attempted to define the source of the contamination by applying the same screening procedure to environmental substrates and suggested the food chain (beef fat in the case of 2,4,5-T) as one significant source of the contamination.

(7) *Animal products.* Kocher et al. (*76*) surveyed beef fat from cattle grazing on land where 2,4,5-T had been applied to determine if TCDD was present in this tissue. None of the 2,4,5-T samples used were available for analysis for TCDD content. The authors did not know whether the samples were produced before 1972 (when maximum allowable TCDD content was 1 ppm) or after 1972 (when maximum allowable TCDD content was 0.1 ppm). None of the 16 samples from Sugarland (Tex., Mo., and Okla.), showed TCDD residues when analyzed by a gas chromatography-mass spectrometry detection technique (detection limits: 3 to 6 ppt). Three of the eight samples from Mertzon, Tex., where animals had grazed for 30 days in a fenced pasture sprayed in its entirety with 2,4,5-T, gave positive responses at the detection limit of 3 to 4 ppt TCDD.

In another surveillance study, Mahle et al. (*77*) analyzed milk from cows grazing on grass treated with 2,4,5-T in accord with normal agricultural practices. Twenty-five samples were collected from different farms in Oklahoma, Arkansas, and Missouri; these areas were selected as representative of those where 2,4,5-T is used to control broadleaf weeds and brush in pasture and rangeland. Milk purchased in Midland, Mich., an area where 2,4,5-T is not used, provided control samples. Based on gas chromatography-mass spectrometry data (detection limit: 1 ppt), the authors stated that control samples were indistinguishable from the samples from treated areas and concluded that TCDD was not present.

The residue levels reported in animal products in the studies cited below were obtained in laboratory feeding studies and not from animals grazing on pastures and rangelands treated at dosage rates recommended on registeres product labels. Nevertheless, residues obtained in these feeding studies could occur in the environment and at these same levels since animals grazing on forage plants immediately after treatment at recommended rates of application could ingest 2,4,5-T in amounts similar to those fed in the studies.

Leng (*37*) found no residues greater than 0.05 ppm in milk or cream of cows ingesting 10 to 30 ppm 2,4,5-T. At 100 ppm 2,4,5-T in the diet, traces of 2,4,5-TCP (0.06 ppm) were found in milk and cream. When the diet contained high levels of 2,4,5-T, equivalent to 300 and 1,000 ppm in the total diet, residues of 2,4,5-T and 2,4,5-TCP ranged from 0.15 to 0.5 ppm in milk of individual cows.

Leng (*37*), reporting on residues in meat and meat byproducts, stated that calves slaughtered after ingesting 300 ppm 2,4,5-T in total diet contained average residues of 0.12 to 0.28 ppm in muscle, fat, and liver, and 3.3 ppm in kidney. Animals fed 900 to 2,000 ppm 2,4,5-T in the total diet and slaughtered without withdrawal had proportionally higher average residues in tissue. No residues were detected (detection limit: 0.05 ppm) in most tissues when animals were given untreated feed for one week after they had been on the highest levels (1,800 and 2,000 ppm) of 2,4,5-T for 4 weeks. Residues of 2,4,5-T declined rapidly in tissues as soon as animals started to eat untreated feed.

Clark and Palmer (*78*) found 0.08 ppm 2,4,5-T in omental fat of each of two sheep given four oral doses of either 0.15 or 0.75 mg/kg of the propylene glycol butyl ester of 2,4,5-T. They also found 368 ppm 2,4,5-T in kidneys of animals killed by 4 daily 250 mg/kg doses of a 2,4,5-T ester.

Clark et al. (*36*) found 2,4,5-T no higher than 0.05 ppm in muscle or fat of sheep held one week on untreated feed. Residues

[5] Studies submitted by registrants as part of petitions for residue tolerances are classified confidential, pending outcome of litigation in U.S. District Court.

of the metabolite 2,4,5-TCP were not detected in the fat of any of the animals. They also found that the 2,4,5-T level in liver and kidneys was less than 0.05 ppm after the animals were on untreated feed for 7 days.

Leng (*79*) found low levels of 2,4,5-T in muscle and fat of calves receiving 300 to 900 ppm 2,4,5-T in the diet and much higher residues in tissues of animals fed 1,800 ppm 2,4,5-T for 28 days. Calves fed 300 ppm 2,4,5-T showed 0.12 and 0.28 ppm 2,4,5-T in muscle and fat, respectively. Calves fed 900 ppm showed 0.24 and 0.38 ppm in muscle and fat, respectively. And at 1,800 ppm in the diet, calves showed 1.2 and 2.0 ppm in muscle and fat, respectively. In this same study, Leng found relatively low residues of 2,4,5-T in liver at feeding levels of 300 and 900 ppm (0.2 and 1.0 ppm, respectively) and sharply increased residues (7.9 ppm) at 1,800 ppm, indicating that the threshold level may have been exceeded at this higher dosage level. Residues of 2,4,5-T in kidney appeared to be proportional to the level in the diet.

Eighty-five samples of beef fat were analyzed for TCDD content under the auspices of the EPA Dioxin Implementation Plan (see section II). These beef fat samples included 18 samples from control areas and 67 samples from areas previously treated with 2,4,5-T. None of the 18 control samples had detectable amounts of TCDD at a detection limit of 10 ppt. Of the 67 samples from areas previously exposed to 2,4,5-T, one showed a positive TCDD level of 60 ppt; two appeared to have TCDD at 20 ppt; and five may have had TCDD levels which ranged from 5 to 10 ppt. The values for these five samples were at or below the limits of detection of 10 ppt. Forty-three beef liver samples were analyzed and showed no TCDD residues at a detection limit of 10 ppt.

(8) *Food.* Evidence that very little 2,4,5-T gets into food is seen in results of Market Basket Surveys conducted by the Food and Drug Administration (FDA). Of the 134 total diet samples involving 1,600 food composites (Market Basket Survey) analyzed from 1964 through April 1969, only three contained 2,4,5-T. Two were dairy products containing 8 to 13 percent fat with 0.008 and 0.19 ppm in the fat. A single meat, fish, and poultry composite from Boston consisting of 17 to 23 percent fat was found to contain 0.003 ppm 2,4,5-T on a fat basis (*81, 82, 83, 84*).

FDA Market Basket Survey samples from 1969 through July 1974 showed no 2,4,5-T residues (detection limit: 0.02 ppm) in 155 total diet samples involving 1,869 food composites (*85, 86, 87, 88, 89*).

(9) *Human exposure via industrial accidents.* There have been a number of industrial accidents during manufacture of chlorinated phenols that have resulted in human exposure to TCDD.

Whiteside (*90*) reported on a 1949 explosion at a chemical plant producing 2,4,5-T in Nitro, W. Va. The release of intermediate chemicals led to 228 cases of chloracne among exposed workers. Whiteside stated that symptoms of affected workers included skin eruptions, shortness of breath, intolerance to cold, palpable and tender liver, loss of sensation in extremities, damage to peripheral nerves, fatigue, nervousness, irritability, insomnia, loss of libido, and vertigo.

Goldmann (*91*) reported on a 1953 accident at a 2,4,5-TCP production plant in Germany. Temperature and pressure rose explosively in the autoclave, forming previously unknown, very toxic chlorinated hydrocarbons; 42 persons contracted serious cases of dermatitis, in which 14 persons suffered consequent damage to internal organs, and seven persons experienced disturbances of the nervous system. A similar accident occurred in Amsterdam in 1963 when an explosion in a 2,4,5-T factory resulted in 50 workers contracting chloracne (*90*).

In 1954, 31 workers in a Hamburg, Germany, chemical plant producing 2,4,5-T from technical 2,4,5-TCP contracted chloracne (*10, 16, 92*) and suffered the physical and psychological symptoms associated with it (*93*). Kimmig and Schulz (*10*) extensively investigated the workers' conditions and conducted experiments treating the skin of a rabbit's ear with chemicals to which workers had been exposed. These researchers tentatively identified the causative agent of the chloracne as TCDD. Bauer et al. (*15*) conclusively identified TCDD as the cause of chloracne.

In 1964 workers in a 2,4-D and 2,4,5-T plant in the United States developed chloracne (*93, 94*). Bleiberg et al. (*94*) found evidence of porphyria cutanea tarda (PCT) of varying degrees of severity in 11 out of 29 workers. PCT had never before been described as related to chloracne, nor had it been ascribed to industrial exposure in the United States. The authors stated that either the finished chemicals or some intermediate were responsible for both diseases.

The Fine Chemicals Unit of Coalite and Chemical Products Ltd. located at Bolsover, Derbyshire, in England had been producing 2,4,5-TCP for nearly 3 years without incident when an explosion occurred at midnight on April 23, 1968. As a result of this exothermal reaction, TCDD had accidentally been produced. Workers at this plant where accidentally exposed to TCDD, and 79 cases of chloracne were recorded, many of them severe (*9, 95*).

Beginning in May 1971 an accidental poisoning episode occurred in the United States that affected humans, horses, and other animals. The exposure was related to the spraying of waste oil, contaminated with TCDD, on riding arenas to control dust. Three days after spraying, sparrows and other birds were found dead on the arena floor. Of 85 horses exercised within the arena, 62 became ill, and 48 died. The first horse died on June 20, 1971. Horses continued to die as late as January 1974. Human illnesses were less severe, but did include one case of hemorrhagic cystitis in a 6-year-old girl who frequently played in the arena. Analysis showed the arena contained 31.8 to 33.0 $\mu g/g$ TCDD (*96, 97, 162*).

Beale et al. (*98*) presented follow-up information on the 6-year-old girl involved in this accidental poisoning. These authors stated that the girl's symptoms resolved in three to four days and did not recur. Results of a repeat voiding cystogram three months later appeared normal. Cystoscopy at this time did, however, demonstrate numerous punctate haemorrhagic areas in the bladder, especially in the region of the trigone. Five years later, an investigation showed that this girl had grown normally; results of a physical examination, including a detailed neurological examination, were normal. Cystogram and liver-function tests were also normal, as was the urinary excretion of uroporphyrins, coproporphyrins, and thyroid function.

On July 10, 1976, an accident at the ICMESA chemical plant in the Seveso Region of Italy released 2 to 10 pounds of TCDD over a wide area (*90, 99, 100*). Hundreds of animals died, many area residents reported skin disorders, and an area of 110 hectares was evacuated (*101*). Reports of the immediate symptoms and indications of many long-term effects are just becoming available.

Seveso inhabitants initially experienced numerous, burnlike skin lesions which gradually receded; Whiteside (*90*) believed this type of lesion was probably due to direct contact with the sodium hydroxide and phenolic components of the fallout. Two and a half months after the explosion, however, children and young people in the zone most affected by the fallout developed symptoms of true chloracne, a sign of dioxin poisoning, on their faces, arms, and bodies. By November 1976, 28 people had developed confirmed cases of chloracne, and the number rose to 38 by December 1976; one year later, the number of confirmed cases of chloracne was 130.

A number of Seveso women were pregnant at the time of the accident. Whiteside (*90*) reported that the number of legal and illegal abortions performed after the accident probably totalled 90. Results of a survey by an epidemological commission showed that 183 babies were delivered in the two months following the accident and that there were 51 spontaneous abortions as distinct from induced abortions (approximately double the rate of spontaneous abortions previously reported for the area). Whiteside (*90*) reported that eight cases of birth abnormalities have been noted to date among babies born to women in the Seveso area who were pregnant at the time of the explosion. Physicians in the Seveso area have had difficulty relating this directly to the explosion, however, since this incidence of birth abnormalities was not disproportionate to the usual incidence of abnormal births.

H. *Tolerances.* There are no tolerances established for 2,4,5-T in or on food crops. Likewise, no tolerances have been set specifically for TCDD in or on food crops. However, 40 CFR 180.302 does establish a tolerance of 0.05 ppm for hexachlorophene on cotton seed (a nonhuman dietary food item), with a stated limitation that the technical grade hexachlorophene used in the formulation shall not contain more than 0.1 ppm TCDD. The limitation does not constitute a tolerance (*102*).

I. *Pesticide episode reports system (PERS).* EPA's Pesticide Episode Response Branch of the Office of Pesticide Programs maintains a Pesticide Episode Reports System (PERS) which collects reports of pesticide exposure affecting humans, domestic animals, livestock, and wildlife (*103*). According to their records, there were 96 episodes from 1966 to April 1977 involving 2,4,5-T.

Many of these 96 episodes recorded effects in more than one area of the environment. Plant damage was reported 60 times, effects on humans 16 times, water contamination 14 times, effects on domestic animals and soil contamination 7 times each, general environmental contaminations 3 times, and fish kills and complaints against use of 2,4,5-T twice each.

There was substantial evidence in 13 of the 96 episodes linking 2,4,5-T to the episode's effects; there was circumstantial evidence in 20 of the episodes for involvement of 2,4,5-T; there was insufficient evidence in 62 of the episodes to prove or disprove involvement of 2,4,5-T; and one episode had no verification status listed.

Of the 13 episodes for which there was substantial evidence linking 2,4,5-T to the

episode's effects, two involved humans (including one suicide); 2,4-D was also involved in both episodes. Three episodes involved plant damage from drift of herbicides; 2,4,5-T residues were found in plant samples in two episodes; 2,4-D was also involved in one of these episodes. Two episodes involved fish kills resulting from accidental spills into streams, with 2,4-D involved in both incidents; in one of these episodes, 6,000 fish (90 percent juvenile salmon) were killed; residues of both 2,4-D and 2,4,5-T were found in these fish. Two incidents involved soil contamination when two warehouses were destroyed by a tornado and fire; many other pesticides were involved in both instances. Two episodes involved domestic animals; in one, 24 cows died after herbicide application. Arsenic residues were found in two cows, and arsenic contamination of the herbicide mix was suspected. In the other instance, 8 cows drank water contaminated with 2,4,5-T; residue levels of 0.03 and 0.02 ppm were found in the milk five and eight days, respectively, after the incident. Two hundred and forty gallons of milk were dumped. One incident involved water contamination as a result of a warehouse fire; many other pesticides were also involved.

II. Regulatory History

2,4,5-T was developed during World War II and was first registered as a pesticide on March 2, 1948 (*3*). Since then, it has been the subject of several Federal regulatory actions.

On April 13, 1966, the United States Department of Agriculture (USDA) and the Food and Drug Administration (FDA) published an announcement in the FEDERAL REGISTER abolishing the "No Residue and Zero Tolerance" concepts as scientifically untenable. Future registrations would be granted on the basis of either "Negligible Residue" or "Permissible Residue." Industry was given until December 31, 1967, to comply by obtaining tolerances for residues of 2,4,5-T in all treated food, feed products, and byproducts (in addition no registrations would be continued beyond December 31, 1970).

Following this action, a series of Pesticide Registration (PR) Notices were issued over several years, extending certain "no residue" and "zero tolerance" registrations beyond the December 31, 1967, deadline for obtaining residue tolerance. (These and all following PR Notices are cited in Reference 104.) Among uses of 2,4,5-T extented beyond the deadline were uses on pasture grasses and rangeland; on apples (McIntosh), blueberries (low bush), cereal grains (undesignated), rice, and sugarcane; and in lakes and ponds.

PR Notice 70-8 issued by the USDA on March 10, 1970, identified data needs for certain compounds. 2,4,5-T was identified as one of the compounds requiring further teratogenic studies.

PR Notice 70-11 published on April 20, 1970, suspended 2,4,5-T products bearing certain directions for use. The suspended uses were all uses in lakes, ponds, or on ditch banks; and liquid formulations for use around the home, recreation areas, and similar sites.

PR Notice 70-13 issued by the USDA on May 1, 1970, cancelled 2,4,5-T products bearing certain directions for use. The cancelled uses were all granular 2,4,5-T formulations for use around the home, recreational areas, and similar sites; and all 2,4,5-T uses on food crops intended for human consumption.

All registrants were advised of these actions, and two of the 2,4,5-T registrants, Dow Chemical and Hercules Incorporated, exercised their right under Section 4(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 135 et seq.) to petition for referral of the cancellation (rice use only) to an Advisory Committee.

As provided by Section 4(c) of FIFRA (1964 amendment), a nine-member Advisory Committee of scientists was appointed to consider all relevant facts, submit a report and recommendations regarding registration for certain uses of 2,4,5-T, and state the reasons or bases for these recommendations. Their report was submitted to the Administrator of the Environmental Protection Agency on May 7, 1971 (48). The Committee recommended that use of 2,4,5-T be permitted in forestry, range land, and rights-of-way providing that the limit of 0.1 ppm of contamination with TCDD be set for all future production of 2,4,5-T; that 2,4,5-T be applied no more than once a year at any one site; and that 2,4,5-T be applied with proper caution so that it will not contaminate other areas where it may come into contact with humans.

The Committee also recommended that this action be reviewed again when existing deficiencies in information about possible magnification of TCDD in the food chain have been rectified by specific research.

In the meantime, PR Notice 70-22, published by the USDA on September 28, 1970, addressed the presence of chlorodioxin contaminants in economic poisons. This notice stated that the USDA had determined that certain toxic chlorodioxins (such as TCDD) may be present as contaminants in the basic materials used in formulating 2,4,5-T and silvex. The notice also stated that the presence of such chlorodioxins constituted a possible hazard to man since they had been found to be extremely toxic to laboratory animals, and that appropriate regulatory action would be taken under provisions of FIFRA since products containing chlorodioxins are considered to be in violation of FIFRA.

Dow Chemical obtained an injunction against EPA in July 1972, enjoining further administrative action against 2,4,5-T. The United States Court of Appeals for the Eighth Circuit overturned the injunction in 1973, and administrative proceedings were allowed to go forward.

On July 20, 1973, a notice of intent to hold public hearings on *all* uses of 2,4,5-T was filed with the EPA Hearing Clerk under section 6(b)(2) of FIFRA, as amended 1972. All federally approved uses of 2,4,5-T were to be explored in a public hearing scheduled for April 1974, following completion of an intensive monitoring program for detecting dioxin in the ppt range (38 FR 19869, July 29, 1973).

On May 10, 1974, the information hearing was expanded to include all insecticides and herbicides having 2,4,5-TCP in their manufacturing process. These included silvex, erbon, and ronnel, as well as 2,4,5-T and 2,4,5-TCP, all of which may contain TCDD.

On June 24, 1974, EPA withdrew cancellation and information-gathering proceedings initiated against 2,4,5-T and related compounds because of its inability to monitor food for TCDD residues with the necessary analytical precision. Although the 2,4,5-T notice of hearing was withdrawn, the Agency stated that it "will continue its TCDD residue monitoring program and will take such further action as it deems appropriate once the results of the monitoring project are available" (39 FR 24050 June 28, 1974).

On July 25-26, 1974, the Agency held a Dioxin Planning Conference in Washington, D.C., primarily for those parties having an interest in the withdrawn 2,4,5-T/dioxin hearings, to address data analysis and retrieval (in the areas of analytical methodology, toxicology, and monitoring) with emphasis on analytical methodology for TCDD at the ppt level. As a result, the Agency established a Dioxin Implementation Plan (DIP) intended to identify a preferable analytical methodology to monitor human and environmental samples for TCDD.

On-going TCDD studies under the DIP include: An analytical method validation study to produce statistically defensible data; monitoring for residues in human milk in the Pacific northwest; additional beef fat residue studies; additional technical pesticide residue studies; and an environmental monitoring program for TCDD residues in soil, water, and biota.

III. Summary of Scientific Evidence Relating to Rebuttable Presumption

The following adverse effects of 2,4,5,-T and/or TCDD have been found to exceed the criteria for issuance of a rebuttable presumption as stated in § 162.11 of the Code of Federal Regulations (CFR 40). Because of industry's apparent inability to produce 2,4,5-T without TCDD contamination, none of the studies cited are for pure 2,4,5-T. The effects of TCDD must also be considered when assessing 2,4,5-T by the Agency's risk criteria.

A. *Oncogenic effects.* 40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise "if a pesticide's ingredient(s) * * * (i)nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *." Section 162.3(bb) defines the term oncogenic as "the property of a substance or a mixture of substances to produce or induce benign or malignant tumor formation in living animals."

The studies summarized below indicate that 2,4,5-T containing less than .05 ppm TCDD and/or TCDD alone have oncogenic effects in two mouse strains and one rat strain. Since 2.4.5-T, as currently formulated, contains TCDD (at a maximum amount of 0.099 ppm), a rebuttable presumption against the registration of 2,4,5-T products has arisen because of the oncogenic effect of 2,4,5-T and its contaminant, TCDD.

(1) *2,4,5-T*—(a) *Effects of dietary 2,4,5-T (<0.05 ppm TCDD) on rodents.* In their bioassy of 2,4,5-T for carcinogenicity in mice, Muranyi-Kovacs et al. (*105*) administered 2,4,5-T (containing <0.05 ppm TCDD)[6] to inbred C3Hf and XVII/G mice. The mice were given 100 mg/liter of 2,4,5-T in the drinking water for two months beginning at six weeks of age. During the succeeding 15 to 20 months, the mice were given 2,4,5-T mixed in the diet at a concentration of 80 ppm *ad libitum.*

In C3Hf mice, 48 percent of the treated females ($^{15}/_{35}$) and 55 percent of the treated males ($^{17}/_{32}$) developed tumors, compared with control values of 21 percent ($^{9}/_{44}$) and 49 percent ($^{21}/_{43}$), respectively (Table 2). The differences between the number of tumors observed and the number expected were sig-

[6]This TCDD level is less than the 0.1 ppm TCDD currently found in most commercial formulations (see Section I.B).

nificant for female mice at all sites ($p<0.03$) and for the combined sexes ($p<0.01$).[7] For non-incidental tumors, the differences were significant for each sex and the combination; no significant differences were found in incidental tumors.[8] No other strain-sex combination yielded statistically significant values (*106*). Rare types of tumors, not seen in the control animals, were observed in the treated C3Hf females.

A decrease in survival time for mice with tumors was noted in both male and female treated C3Hf mice when compared with controls. C3Hf treated male mice survived an average of 511 days compared with 630 days for control male mice. According to the evaluation by EPA's Carcinogen Assessment Group (CAG). (*106*), this difference was significant ($p<0.001$). Treated female C3Hf mice survived 620 days compared with 680 days for control females. Chemically induced oncogenic effects typically show long latency periods. The finding of reduced longevity among treated animals as compared with controls complicates the assessment of the potential oncogenic effects of 2,4,5-T.

In XVII/G mice, 84 percent of the treated females (16/19) and 75 percent of the treated males (15/20) developed tumors, compared with control values of 53 percent (21/40) and 78 percent (25/32), respectively.

An increase in survival time for mice with tumors over controls was noted among the XVII/G treated animals. There was an average survival time of 583 days for treated male mice compared with 521 days for control male mice. Treated females survived 641 days compared with 569 days for control females. According to CAG (*106*), the difference was significant ($p<0.01$) in females.

(b) *Effects of subcutaneous injection and oral administration of 2,4,5-T (30 ppm TCDD) on rodents.* Innes et al. (*107*) studied the tumorigenicity of 2,4,5-T, containing about 30 ppm TCDD, in two hybrid strains of mice, designated as "X" and "Y", after oral or subcutaneous administration of the maximum tolerated dose (table 3). The testing was performed at Bionetics Research Laboratores, under contract from the National Institutes of Health. Results of the studies were calculated comparing treated groups with matched and pooled controls.[9]

In the subcutaneous study, mice were given a single injection of 21.5 mg/kg of 2,4,5-T in a dimethyl sulfoxide (DMSO) solution at approximately 18 months of age. Seventeen percent (3/18) of the treated "Y" males developed pulmonary adenomas, compared with 1 percent (1/71) of the matched controls and 3 percent (3/122) of the pooled controls. This increased incidence of pulmonary adenomas was significant relative to both control groups ($p=0.024$ matched and $p=0.04$ pooled) (*106*).

In the oral study, 21.5 mg/kg of 2,4,5-T in gelatin was administered daily by stomach tube, beginning at 7 days of age. After weaning, 60 ppm of 2,4,5-T was mixed in the diet and provided ad libitum until the end of the study at approximately 18 months. Gross and histological examinations were made of all major organs and visible lesions; thyroid glands were not examined. According to CAG's evaluation (*106*), there were no significant differences between 2,4,5-T treated and control groups of mice with respect to tumors at specific sites or total number of tumor-bearing animals.

Table 2. Oncogenic Effects of 2,4,5-T on Mice[a]

Strain	Sex	Dietary Level (ppm)[b]	Mean Survival Time (days)	Mice with Leukemia and Lung and Liver Tumors		Incidence of Tumors				
				No/Total No[c]	%	Total	Lung	Liver	Leukemia	Other
C3HF	M	0	630	21/43	49	22	2	19	--	1[d]
		80	511[k]	12/22	55	13	--	10	2	1[e]
	F	0	680	9/44	21	9	5	3	1	--
		80	620	12/25	48	13	--	4	3	6[f]
XVII/G	M	0	521	25/32	78	27	22	4	--	1[g]
		80	583	15/20	75	16	14	--	1	1[h]
	F	0	569	21/40	53	24	20	--	2	2[i]
		80	641[j]	16/19	84	16	15	--	1	--

a/ Data from Muranyi-Kovacs (105).
b/ Estimated daily oral dose = 12 mg/kg body weight.
c/ Effective number of mice are mice surviving longer than 300 days or developing a tumor before 300 days of age.
d/ Pleomorphic salivary gland tumor.
e/ Fibrosarcoma; one hyperplastic urinary bladder and one hyperplastic forestomach not included.
f/ One osteogenic sarcoma; two sarcomas; two cutaneous tumors; one cervical tumor.
g/ Forestomach tumor.
h/ Urinary bladder papilloma; two hyperplastic lesions of urinary bladder not included.
i/ Two hemangiomas.
j/ $p < 0.01$ compared with controls.
k/ $p < 0.001$ compared with controls.

Table 3. Tumors in Mice Ingesting 2,4,5-T

Strain	Sex	Dose (ppm)	Mice with Tumors		Mice with Specific Tumors		
			No/Total No	%	Reticulum Cell Sarcoma	Tumor Type Pumonary Adenoma & Carcinoma	Hepatoma
X	M	0 (matched)	5/15	33	0	2	3
		0 (pooled)	22/79	28	5	5	8
		60	6/18	33	1	1	4
	F	0 (matched)	2/18	11	1	1	--
		0 (pooled)	8/87	9	4	3	--
		60	1/81	6	--	1	--
Y	M	0 (matched)	3/18	17	--	3	--
		0 (pooled)	16/90	18	1	10	5
		60	3/18	17	2	--	1
	F	0 (matched)	1/15	7	1	--	--
		0 (pooled)	7/82	9	3	3	1
		60	2/18	11	1	--	--

[7] The investigators found no significant sex-related differences.

[8] Incidental tumors are tumors discovered at necropsy of an animal which died from some other cancer; nonincidental tumors are tumors diagnosed during life or which caused the death of the animal.

[9] Because this was a large scale screening study, several control groups were used. No significant differences were found among these groups.

(2) *TCDD.*—(a) *Oncogenic effects of low levels of TCDD on rodents.* Van Miller et al. (*109*) recently reported the results of a 2-year feeding study with male Sprague-Dawley rats. Ten groups of ten animals per group were fed ground chow containing 0, 1, 5, 50, or 500 ppt ($=10^{-12}$ gram TCDD/gram food), and 1, 5, 50, 500, or 1,000 ppb ($=10^{-9}$ gram TCDD/gram food) TCDD.

Food intake (10=±4g/day) was significantly lower in rats ingesting the three highest dose levels (50,500, or 1,000 ppb TCDD) than in controls (21±2 g/day), and none of the rats in these three groups gained weight after the start of the experimental diet. All rats receiving these three dose levels died between the second and fourth week of treatment.

On the other hand, food intake for rats on other dose levels was similar to controls (20±2 g/day). Weight gain was significantly less for rats given 5 ppb TCDD (391±54 g) as compared to controls (531±44 g). In these seven groups only one animal died before the 30th week, and that death occurred in the 500-ppt group at the 17th week. In the 5- and 1-ppb groups, all animals died by the 90th week of the experiment. Table 4 shows the mortality figures for all groups.

TABLE 4.—*Mortality in rats ingesting various levels of TCDD*

Dose	Week of 1st death	Number of rats dead at 95th week[a]
0[b]	68	6/10 (60%)
1 ppt[c]	86	2/10 (20%)
5 ppt[d]	33	4/10 (40%)
50 ppt[e]	69	4/10 (40%)
500 ppt[f]	17	5/10 (50%)
1 ppb[g]	31	10/10 (100%)
5 ppb[h]	31	10/10 (100%)
50 ppb[i]	3	10/10 (100%)
500 ppb[j]	2	10/10 (100%)
1,000 ppb[k]	2	10/10 (100%)

[a] Surviving animals sacrificed at 95 weeks.
[b] Control group. Diet contained no TCDD.
[c] Approximate weekly dose was 0.0003 μg/kg body weight.
[d] Approximate weekly dose was 0.001 μg/kg body weight.
[e] Approximate weekly dose was 0.01 μg/kg body weight.
[f] Approximate weekly dose was 0.1 μg/kg body weight.
[g] Approximate weekly dose was 0.4 μg/kg body weight.
[h] Approximate weekly dose was 2.0 μg/kg body weight.
[i] Approximate weekly dose was 24 μg/kg body weight.
[j] Approximate weekly dose was 240 μg/kg body weight.
[k] Approximate weekly dose was 500 μg/kg body weight.

Laparotomies were performed on all rats surviving through the 65th week, and all tumors observed were biopsied. Rats were maintained on these diets until the 78th week and were then placed on the control diet. Surviving animals were killed at 95 weeks. Complete necropsies were done at death or sacrifice, and tissue samples were microscopically examined. Special staining methods were used to "aid in the diagnosis of neoplasms."

Tumorigenic and toxic effects were observed in rats in the six lowest dose groups. The overall incidence of neoplasms in the six experimental groups was 38 percent (23/60), compared with 0 percent (0/10) in the control group. The difference is statistically significant (*106*). Neoplastic nodules and cholangiocarcinomas of the liver were observed in 40 percent (4/10) of the rats ingesting 5 ppb TCDD; two animals had both neoplastic nodules of the liver and cholangiocarcinomas. One rat (10 percent) in the 1 ppb group had hepatic carcinoma compared to none of the controls. Hepatic tumors were not found in other dose groups (table 5).

Table 5. Liver Tumors in Rats Ingesting TCDD[a/]

Dose (ppb)	Rats With Neoplastic Nodules No.	%	Rats With Cholangio-carcinomas No.	%	Rats With Nodules plus Carcinomas No.	%
0	0/10	0	0/10	0	0/10	0
1	0/10	0	1/10	10	1/10	10
5	4/10	40[b/]	2/10	20[b/]	4/10	40[b/]

a/ Data from Van Miller (109).
b/ Two animals had both neoplastic nodules of the liver and cholangiocarcinomas.

Tumors developed in 46 percent (23/50) of the rats ingesting 5, 50, or 500 ppt and 1 or 5 ppb TCDD, compared to none (0/10) in the control rats. Van Miller et al. noted that "nineteen (57 percent) (sic—Agency calculation is 54 percent (19/35)) of the animals that died in the six groups fed subacute levels of TCDD had neoplastic alternations." Carcinomas were observed in the ear duct, kidney, and liver. Three retriperitoneal histiocytomas were described as metastasizing to the "lungs, kidney, liver, and skeletal musculature." According to CAG's evaluation (*106*), statistically significant increases in tumors at all sites were found in rats fed 5, 500, 1,000, and 5,000 ppt as compared with control animals (p=0.05) (table 6). Three of the ten deaths which occurred in the 5-ppb dose group were attributed to aplastic anemia. One animal in the 500-ppt group had a severe liver infarction.

Dow Chemical U.S.A. (*110*) has provided EPA with a preliminary report of a study of TCDD's chronic toxic effects in Sprague-Dawley rats. Groups of 50 rats of each sex were fed 0.1, 0.01, or 0.001 μg TCDD/kg body weight daily for 2 years. To provide these dose levels, the concentrations or TCDD in the diet were approximately 2,200, 210, and 22 ppt. Eight-six animals of each sex were used as controls.

Table 6. Total Tumors in Rats Ingesting TCDD[a/]

Dose[b/]	Tumors Benign	Malignant	Total	Rats With Tumors No.	%
0	0	0	0	0/10	0%[c/]
1 ppt	0	0	0	0/10	0%
5 ppt	1	5	6[d/]	5/10	50%[e/]
50 ppt	2	1	3[f/]	3/10	30%
500 ppt	2	2	4[g/]	4/10	40%[h/]
1 ppb	0	5	5[i/]	4/10	40%
5 ppb	8	2	10[j]	7/10	70%

a/ Data from Van Miller (109).
b/ Rats administered 50, 500, and 1,000 ppb were all dead within four weeks.
c/ Forty male rats used as controls for another study that were received at the same time and kept under identical conditions did not have neoplasms when killed at 18 months.
d/ One rat had ear duct carcinoma and lymphocytic leukemia. The following tumor types were each observed in one rat: adenocarcinomas (kidney), malignant histiocytoma (retroperitoneal), angiosarcoma (skin), and Leydig cell adenoma (testis).
e/ Three rats died with aplastic anemia.
f/ The following tumor types were each observed in one rat: fibrosarcoma (muscle), squamous cell tumor (skin), and astrocytoma (brain).
g/ The following tumor types were each observed in one rat: fibroma (striated muscle), carcinoma (skin), sclerosing seminoma (testis), and adenocarcinoma (kidney).
h/ One rat had a severe liver infarction.
i/ One rat had cholangiocarcinoma and malignant histiocytomas (retriperitoneal). The following tumor types were each observed in one rat: angiosarcoma (skin), glioblastoma (brain), and malignant histiocytoma (retroperitioneal).
j/ One rat had squamous cell tumor (lung) and neoplastic nodule (liver). Two rats had cholangiocarcinoma and neoplastic nodule (liver). Three rats had squamous cell tumors (lung). One rat had neoplastic nodule.

Dow (*110*) reported "discernible increases" in the incidence of hepatocellular carcinomas of the liver and of squamous cell carcinomas of the lung, hard palate/nasal turbinates, and tongue in rats at 0.1 μg/kg. They also reported decreased incidences of pituitary, uterine, mammary gland, pancreatic, and adrenal gland tumors at this dose level. Dow also reported that this dose level produced increased mortality, decreased body weight gain, and changes in blood chemistry values which suggested severe toxicity. Hepatocellular nodules and alveolar hyperplasia were observed in the 0.01 μg/kg group. A squamous cell carcinoma of the hard palate was observed in one female receiving this dose; Dow considered this unrelated to TCDD treatment because a similar tumor occurred in "other concurrent studies." At 0.001 μ/kg there were no "discernible effects in male rats and an increased incidence of [reversible] swollen hepatocytes in female rats."

Dow's preliminary report does not include control data, quantitative data on tumor incidence, or statistical analyses. CAG has not evaluated this study. Table 7 describes the available tumor information. Dow has submitted the final report for this study, which CAG is currently reviewing.

Table 7. Tumors in Sprague-Dawley Rats Ingesting TCDD[a/]

Dose		Tumors
ug/kg/day	ppt	
0	0	----
0.001	22	----
0.01	210	Hepatocellular Nodules
		Squamous Cell Carcinoma[b/]
		Alveolar Hyperplasia
0.1	2,220	Hepatocellular Carcinoma[c/]
		Squamous Cell Carcinoma[d/]

a/ Data from Dow Chemical USA (110), a preliminary report.
b/ Hardpalate squamous cell carcinoma observed in only one female rat.
c/ Observed only in females.
d/ Squamous cell carcinoma observed in lungs, hardpalate/-nasal turbinate, or tongue.

(b) *Effects closely related to oncogenicity in test animals.* Many chemically nonreactive carcinogens are enzymatically converted to biologically active carcinogens. The enzyme aryl hydrocarbon hydroxylase (AHH) is strongly implicated in this process (*112*). For example, the incidence of bronchiogenic carcinomas in humans (*113*) and mouse sarcomas induced by 3-methyl-cholanthrene (*114*) have been related to the level of inducibility of AHH (*99*).

Kouri et al. (*114*) studied AHH induction in human lymphocyte cultures by TCDD. The authors stated, "TCDD itself is not a potent carcinogen in mice; however, the synergistic action of TCDD with 3-methylcholanthrene (MC) produces cancer in different strains of mice in direct proportion to the degree of elevation of the induced hydroxylase activity and associated cytochrome p_1−450 content." Their study showed a positive correlation between basal enzyme activity and enzyme levels maximally inducible by either TCDD or MC. They also found that TCDD is about 40 to 60 times more potent than MC as an inducer of hydroxylase activity in cultured human lymphocytes. These authors further suggested that, because of the relatively high levels of TCDD in certain parts of the world, TCDD may also present considerable long-term risk because of possible synergism in chemically initiated oncogenesis, in addition to short-term risks posed by its toxic and teratogenic properties.

The implication of TCDD in AHH inducibility has also been reported by Poland and Glover (*115, 116*) and Poland et al. (*117*). In their studies on chick embryo livers, Poland and Glover (*115*) found that all dioxins which are potent inducers have halogens at three of the four lateral ring positions and at least one nonhalogenated carbon atom. Poland and Glover (*116*) compared the potency of TCDD as an inducer of hepatic AHH with that of MC, the most commonly employed inducing agent. They stated that analysis of the data by a computer program for bioassay showed that TCDD was 28,640 times as potent as MC on a molar basis. (The 95 percent confidence interval of the potency ratio is 2.07 to 3.95√10 +) The index of precision, °, was 0.18. Poland et al. (*117*) suggested that a hepatic cytosol species which binds TCDD is the receptor for the induction of hepatic aryl hydrocarbon hydroxylase.

Allen et al. (*118*) conducted a study in which female rhesus monkeys were fed diets containing 500 ppt TCDD for nine months. Anemia, thrombocytopenia, and leukopenia were the most debilitating changes. The altered lymphopoiesis could be associated with immune suppresion. The authors reported widespread hypertrophy, hyperplasia, and metaplasia in the epithelium of monkeys exposed to TCDD, and related this to data showing increased tumor frequency in TCDD fed rats.

(3) *Preliminary epidemiological studies.* Two epidemiological studies lend support to a finding of increased tumorigenicity due to 2,4,5-T exposure. The English summary of a Swedish paper by Hardell (*108*) stated that "there were seven cases of malignant mesenchymal tumors in 87 persons [who had been] exposed to 2,4,5-T over a period of 10–20 years." In five of the cases, exposure had been direct and comparatively massive. The latent period of 10 to 20 years is in agreement with that assumed for chemical car-

cinogenesis. The statistical distribution of 7 of the 87 patients deviated from the national average with a dominance of tumors in males.

Tung (*120*) reported an elevated incidence of primary liver cancers among Vietnamese following the wide application of "Agent Orange" as a defoliant during the years 1961 to 1962. "Agent Orange" is composed of equal parts 2,4,5-T and 2,4-D (2,4-dichlorophenoxyacetic acid) and is contaminated with TCDD. During 1962 to 1968, 10 percent (791/7911) of all cancers were liver cancers, compared with 3 percent (159/5442) during 1955 to 1961. The latent period involved is shorter than that normally assumed for chemical carcinogenesis; the possibility of a shorter latent period for some chemicals, however, cannot be eliminated. Neither of these studies is sufficient to be the basis of any firm conclusions concerning a causal connection between 2,4,5-T and cancer. But in view of the results obtained in experimental animals, they warrant noting.

The Working Group concludes that there is sufficient evidence to indicate that 2,4,5-T, containing TCDD at levels as low as 0.05 ppm, and TCDD alone can produce oncogenic effects in mamallian species. Since 2,4,5-T, as currently formulated, contains TCDD (at a maximum amount of 0.099 ppm), a rebuttable presumption against registration of 2,4,5-T products has arisen because of the oncogenic effects of 2,4,5-T and TCDD.

B. *Other chronic or delayed toxic effects.* 40 CFR 162.11(a)(3)(ii)(B) provides that "a rebuttable presumption shall arise if a pesticide's ingredient(s) * * * (p)roduces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety." This section reflects concern that chronic exposure to chemicals may result in injury to the reproductive system and/or the fetus and provides that a rebuttable presumption shall arise if chronic chemical exposure in test animals produces such results.

The studies summarized below show that 2,4,5-T containing 0.5 ppm or less TCDD produces teratogenic and/or fetotoxic effects in mice at 30 mg/kg, in rats at 100 mg/kg, in hamsters at 40 mg/kg, and in birds at 1 mg/kg. Other studies show that pesticide-free TCDD is fetotoxic and/or teratogenic at doses as low as 0.125 μg TCDD/kg in rats and 0.1 μg TCDD/kg in mice. Specifically, these studies show that exposure to TCDD and/or 2,4,5-T containing TCDD during pregnancy is associated with statistically significant increases in the incidence of cleft palate, kidney anomalies, skeletal and intestinal tract anomalies, and embryonic resorption. (Maternal toxicity has also been observed in many of these studies, primarily in the form of reduced weight gain and increased liver-to-body weight ratio. Whenever it has appeared particularly relevant, details have been cited in the individual studies.)

The Working Group has concluded from these studies that 2,4,5-T containing TCDD, 2,4,5-T without detectable dioxin, and TCDD alone produce fetotoxic and teratogenic effects in mammals. The Working Group has also concluded that an ample margin of safety does not exist for the population at risk (women of child-bearing age) for dermal and inhalation exposure and for cumulative oral, dermal, and inhalation exposure to both 2,4,5-T and/or TCDD. For these reasons, the Working Group recommends issuance of a rebuttable presumption based on the fetotoxic and teratogenic effects of 2,4,5-T and/or TCDD.

(1) *Pesticide-free TCDD.* A Bionetics Research Institute study on 2,4,5-T provided the first indication that TCDD adversely affected mammalian development (*123*). In this study, detailed with later confirming studies in Section III.B.(*2*) below, 2,4,5-T significantly increased the frequency of cleft palate, kidney anomalies, and fetal mortality in the litters of treated dams. The 2,4,5-T used in this study contained approximately 30 ppm TCDD. Subsequent studies, detailed in this section, using pesticide-free TCDD have established that TCDD alone produces these effects, and that the TCDD contaminant may be the principal chemical determinant of the fetotoxic and teratogenic effects in mammals exposed to the pesticide 2,4,5-T.

(a) *Studies in which TCDD produced teratogenic and/or fetotoxic effects in mice.* Courtney and Moore (*128*) studied TCDD's embroytoxic and teratogenic effects in three mouse strains (Table 8). Test animals were administered 1 or 3 μg TCDD/kg body weight subcutaneously in solutions of 100 percent dimethylsulfoxide (DMSO) on days 6 to 15 of gestation. DMSO was administered as the control. TCDD produced cleft palates in all three strains. At 3 μg/kg, 30 percent (9/10) of the CD-1 litters had fetuses with cleft palates compared to 0 percent (0%) of the controls; 71 percent (5/7) of the C57BL/6 litters had cleft palates at 3 μg/kg as compared to 0 percent (0/23) of the controls; and 22 percent (2/9) of the DBA/2 litters had cleft palates, as compared to 0 percent (0/23) of the controls. The authors also found a marked increase in the incidence of kidney anomalies in all strains. One especially sensitive strain, C57BL/6, developed kidney anomalies in 100 percent (7/7) of the litters as compared to 9 percent (2/23) in the controls. Maternal liver-to-body weight ratio was significantly increased in the inbred strains, C57BL/6 and DBA/2, but not in the randomly bred CD-1 mice. TCDD had no effect on fetal mortality, fetal weights, or maternal weights at the doses administered.

Table 8. Teratogenic Effects of TCDD in Mice and Rats[a/]

Strain	Dose (ug/kg)	Litters Affected/Live Litters: Cleft Palate #	%	Kidney Anomalies #	%	Average Fetuses Affected/Live Litters: Cleft Palate #	%	Kidney Anomalies #	%
Mouse									
CD-1	0(DMSO)	0/9	0	3/9	33	0/9	0	1/9	11
	1	1/9	11	5/9	56	2/9	22	4.6/9	51
	3	3/10	30	10/10	100	1/10	10	6.5/10	65
DBA/2	0(DMSO)	0/23	0	3/23	13	0/23	0	1/23	4
	3	2/29	22	8/9	89	1/9	11	1.8/9	20
C57BL/6	0(DMSO)	0/23	0	2/23	9	0/23	0	1/23	4
	3	5/7	71	7/7	100	2.6/7	37	3/7	43
Rat									
CD	0(DMSO)	0/9	0	0/9	0	0/9	0	0/9	0
	0.5	0/6	0	4/6	67	0/6	0	1.8/6	30

a/ Data from Courtney and Moore (128).

In another study in which six dioxins were administered subcutaneously and orally to CD-1 mice, Courtney (*133*) found TCDD to be the most fetotoxic and teratogenic of the dioxin compounds, by either route of exposure at all dose levels tested (Table 9). On days 7 to 16 of gestation, TCDD was administered orally at 25 to 400 μg/kg body weight and subcutaneously at 25 to 200 μg/kg.

Mortality per litter increased with the dose and reached 97 percent (oral) and 76 percent (subcutaneous) in the litters administered TCDD, as compared with a mortality of 6 and 14 percent in the oral and subcutaneous control groups, respectively. The most common anomalies observed were cleft palates and malformed kidneys. All of the fetuses in the 200 and 400 μg/kg (oral) and 200 μg/kg (subcutaneous) groups exhibited cleft palates as compared to 0 percent of the controls. Of the fetuses in the 200 μg/kg (oral) group, 100 percent had kidney malformations as compared to 1 percent of the controls. Other anomalies observed were hydrocephalus, open eye, and club foot. Edema and petechiae were also observed in fetuses administered the high doses.

Table 9. Fetotoxic and Teratogenic Effects of TCDD in CD-1 Mice[a/]

Dose (ug/kg per day)	Route of Administration	% Average Fetal Mortality/Litter	Average # Abnormal Fetuses per Litter	Abnormal Anomalies/Total Fetuses: Cleft Palate %	Kidney Anomalies %	Club Foot %
25	Oral	6	4.6	3	34	3
50	Oral	13	8.1	19	72	7
100	Oral	14	8.3	66	71	13
200	Oral	87	1.5	100	100	14
400	Oral	97	0.4	100	50	50
25	Subcutaneous	36	6.7	82	53	11
50	Subcutaneous	56	5.0	79	58	17
100	Subcutaenous	72	3.5	85	95	0
200	Subcutaenous	76	3.1	100	38	18
5% anisole corn oil (0.1 ml)	Oral	6	0.8	0	1	4
DMSO[b/]	Subcutaneous	14	0.2	0	0	1

a/ Data from Courtney (133).
b/ DMSO = dimethylsulfoxide.

Moore et al. (*174*) also found that TCDD caused fetotoxic and teratogenic responses in C57BL/6 mice at 1 μg/kg administered on days 10 through 13 of gestation. Compared with 0 percent incidence (0/27) in the control litters, 94 percent (15/16) of the treated litters exhibited kidney anomalies, and 19 percent (3/16) had cleft palates. At 3 μg/kg, the incidence of these anomalies was 100 percent (14/14) and 86 percent (13/14), respectively.

Neubert and Dillman (*127*) tested the embryotoxic and teratogenic effects of TCDD in NMRI mice (Table 10). In one test, pregnant mice were given varying doses of TCDD (0.3 to 9 μg/kg) by intubation on days 6 to 15 of gestation. At 9 μg/kg, 100 percent (3/3) of the viable litters had resorptions; 67 percent (4/6) of all litters had total resorptions. Oil control values were 32 and 0 percent for litters with resorptions and litters with total resorptions, respectively. Cleft palate was observed in all of the litters and 82 percent of the fetuses at 9 μg/kg; comparable oil control values were 6 and 0.7 percent, respectively, statistically significant ($p<0.01$) proportions of the fetuses evidenced cleft palate at 3, 4.5, and 9 μg/kg (3, 13, and 82 percent, respectively) when compared with the oil control.

Table 10. Embryotoxic and Teratogenic Effects of TCDD on NMRI Mice[a/]

	Litters Affected/Viable Litters			
Dose[b/]	Resorptions		Cleft Palate	
(ug/kg)	#	%	#	%
0	23/95	24	6/95	6
oil	21/65	32	4/65	6
0.3	7/13	54	0/13	0
3.0	16/24	67	7/24	29
4.5	5/12	42	6/12	50
9.0	3/3	100	3/3	100
9.0	3/6	50	5/6	83

a/ Data from Neubert and Dillman (127).
b/ All doses administered on days 6 to 15, except second 9.0 ug/kg dose which was administered on days 9 to 13.

In this study, a single oral dose of 45 μg/kg TCDD on day 6 produced resorption in 100 percent of the viable litters; 23 μg/kg on day 10 led to 50 percent resorptions. Seventy-one percent of the viable litters had embryos with cleft palate when 45 μg/kg was given as a single dose on day 11. Control values were 24 percent for litters with resorption and 6 percent for litters with cleft palates.

Smith et al. (*135*) administered 0.001, 0.01, 0.1, 1.0, and 3.0 μg TCDD/kg body weight per day to CF-1 mice by gavage from days 6 through 15 of gestation (Table 11). The percentage of resorptions per implantation was significantly higher in treated mice than in the controls only in the 1.0 μg/kg group. Cleft palate occurred in 71 percent of the litters treated at 3.0 μg/kg and in 21 percent of the litters treated at 1.0 μg/kg; bilateral dilated renal pelvises occurred in 28 percent of the litters treated at 3.0 μg/kg, and in 5 percent of the litters treated at 1.0 μg/kg. No significant increase in either cleft palate or dilated renal pelvis was observed at 0.1, 0.01, or 0.001 μg/kg. None (0/34) of the control litters had cleft palate or abnormal kidneys.

Table 11. Fetotoxic and Teratogenic Effects of TCDD in CF-1 Mice[a/]

	Incidence of Cleft Palate in Litters		Litters With Resorbed Fetuses		Litters With Dilated Renal Pelvis per	
Dose	per Live Litters		per Live Litters		Live Litters	
(ug/kg)	#	%	#	%	#	%
0	0/34	0	25/34	74	0/34	0
0.001	2/41	5	30/41	73	0/41	0
0.01	0/19	0	17/19	89	0/19	0
0.1	1/17	6	16/17	94	0/17	0
1.0	4/19	21[b/]	18/19	95	1/19	5
3.0	10/14	71[b/]	11/14	78	4/14	28[b/]

a/ Data from Smith et al. (135).
b/ Statistically different from controls by the Fishers exact probability test ($p < 0.05$).

Neubert et al. (*175*) estimated the ED-50 for cleft palate in fetuses to be 40 μgTCDD/kg per day (Table 12). The no-effect-level during days 6 to 15 of gestation was estimated to be 2 μg/kg per day for NMRI mice. No pronounced fetal mortality was observed when 3 μgTCDD/kg body weight was administered on days 6 to 15 of pregnancy.

Table 12. Occurrence of Cleft Palate in Offspring of Mice Fed TCDD[a/]

Strain	Dose (ug/kg)	% Cleft Palates per Total Fetuses Examined	Affected Litters/Total Litters #	%
CD-1	0	<0.3	0/29	0
	3	3	3/10	30
DBA	0	<1	0/23	0
	3	4	2/9	22
NMRI	0	0.7	10/160	6
	3	3	7/24	29
C57B1	0	<1	0/23	0
	3	22	5/7	71

a/ Data from Neubert et al. (175).

(b) *Studies in which TCDD produced teratogenic and or fetotoxic effects in rats.* Sparschu et al. (*129*) administered TCDD to Sprague-Dawley rats by gavage at 0.03, 0.125, 0.5, 2.0 and 8.0 μg/kg per day on days 6 through 15 of gestation (Table 13). Intestinal hemorrhages were observed in 14 percent (18/127) of the fetuses at 0.125 μg/kg; 36 percent (36/99) at 0.5 μg/kg; and 57 percent (4/7) at 2.0 μg/kg; none (0/246) of the control fetuses had intestinal hemorrhages. At 8.0 μg/kg per day, all fetuses (100 percent) were resorbed as compared to 20 percent (63/309) in the controls. Fetal weights were depressed at 0.125, 0.5, and 2 μg/kg. This effect was statistically significant ($p<0.05$) in all groups except females at 0.5 μg/kg. No adverse effects were noted in the fetuses whose mothers were fed 0.03 μg/kg. The authors concluded that TCDD induced a high level of maternal and fetal toxicity and that 0.03 μg/kg per day was the no-effect-level for fetal and embryotoxic effects in rats.

Table 13. Intestinal Hemorrhages in Offspring of Sprague-Dawley Rats Fed TCDD[a/]

Dose (ug/kg per day)	Fetuses Affected/-Fetuses Examined #	%	Litters Affected/-Litters Examined #	%
0 (control)	0/246	0	0/24	0
0.03	0/115	0	0/10	0
0.125	18/127	14	7/10	70
0.5	36/99	36	10/12	83
2.0	4/7	57	2/4	50
8.0	---	---	---	---

a/ Data from Sparschu et al. (129).

Khera and Ruddick (*6*) studied the perinatal effects of TCDD in Wistar rats. In one test, rats were orally administered 0.125, 0.25, 0.5, and 1.0 μg TCDD/kg per day on days 6 through 15 of gestation (Table 14). Visceral lesions were observed at 0.25 μg/kg and above; slight decreases in fetal weight were also seen. Postnatal effects of prenatal exposure to TCDD were studied by allowing offspring of treated dams to be reared by untreated dams until weaning. Reduced survival, body weight gain, and reproductive ability in the progeny were observed after maternal treatment with 0.5 and 1.0 μg/kg. No fetotoxic effects were observed at 0.125 μg/kg.

In a second experiment, rats were treated orally with 1, 2, 4, 8, and 16 μg TCDD/kg body weight per day on days 6 through 15 of gestation. TCDD treatment reduced fetal weight, and the number of live fetuses per litter, and produced visceral lesions in 50

percent (%) of the 1.0 μg/kg fetuses and 43 percent (%) of the 2.0 mg/kg fetuses, as compared to none (%) in the controls. The incidence of skeletal anomalies was comparable to that in the controls at all dose levels. Doses of 1 μg/kg or more produced maternal toxicity; 4 μg/kg or more produced 100 percent embryomortality. The authors concluded that oral treatment of pregnant Wistar rats with 0.25 μg (or more)/kg per day on days 6 to 15 of gestation adversely effected rat development.

Table 14. Teratogenic Effects of TCDD in Wistar Rats[a/]

Dose (ug/kg)	Avg. # Live Fetuses/Litter	Avg. Fetal Weight (grams)	Fetuses with Skeletal Anomalies/-Total # Examined #	%	Fetuses with Microscopic Visceral Lesions/Total # Examined #	%
Test 1						
Untreated control	10.7	4.82	5/107	5	0/13	0
Treated control	11.0	4.51	21/116	18	0/11	0
0.125	10.6	4.64	3/121	2	0/38	0
0.25	10.9	4.79	6/109	6	1/33	3
0.5	10.5	4.46	10/105	10	3/31	10
1.0	9.3	4.10	6/81	7	3/10	30
Test 2						
Untreated control	11.5	4.68	8/116	7	0/10	0
Treated control	9.8	4.77	9/89	10	0/10	0
1.0	6.5	4.17	7/80	9	3/6	50
2.0	6.0	3.31	7/57	12	3/7	43
4.0	?					
8.0	-					
16.0	0					

a/ Data from Khera and Ruddick (6); treated controls given anisole-corn oil.

Courtney and Moore (*128*) administered TCDD to CD rats subcutaneously in solutions of 100 percent DMSO on days 6 through 15 of gestation (Table 8). DMSO was administered as the control. Kidney anomalies were found in four of the six litters (67 percent) whose dams were administered 0.5 μg/kg as compared to 0 percent (0/9) in the controls. TCDD did not affect fetal mortality, fetal weight, or cleft palates in the fetuses.

Dow Chemical USA (*110*) conducted a three-generation reproductive study on Sprague-Dawley rats continuously fed the equivalent of 0.001, 0.01, or 0.1 μg TCDD/kg per day. A preliminary report cites reduced fertility and litter survival in f_0 rats as the reasons for discontinuing the 0.1 μg/kg dose level; significantly reduced fertility was also observed at 0.01 μg/kg. "Clearly evident" indications of toxicity at 0.01 μg/kg among f_0 and f_1 litters included smaller litter size at birth, plus decreased survival and growth of neonates. Dilated renal pelvis was observed in each of the three f_1 rats at 0.1 μg/kg which survived to adulthood. Increased fequency of this anomaly was also seen among weanlings at lower doses; however a dose-related or generational correlation could not be made. In summary, Dow concluded that "the reproductive capacity of rats ingesting TCDD was clearly affected at dose levels of 0.01 and 0.1 μg/kg per day, but not at 0.001 μg/kg per day, through three successive generations." The preliminary report did not include the numerical data necessary for Agency evaluation. Analysis will continue as these become available.

Adverse reproductive effects due to TCDD

have also been observed in hamsters and chickens. Gastrointestinal hemorrhage was noted in hamster fetuses after administration of TCDD at 0.5 μg/kg per day on days 6 to 10 of gestation (*48; 62*). Buu Hoi et al. (*111*) established that 0.02 μg/kg TCDD caused teratogenic effects in chick embryos. Bowes et al. (*137*) and Verrett (*136*) confirmed these results. They found abnormalities in the beaks, eyes, and feet of chick embryos after TCDD exposure.

(c) *Summary.* Studies have established that TCDD is fetotoxic and teratogenic at doses as low as 0.125 μg/kg in rats (*129*) and at 0.3 μg/kg in mice (*127*); preliminary data from Dow (*110*) indicates that TCDD may have effects at 0.01 μg/kg in rats. Cleft palate and kidney anomalies have been observed in rats, mice, and hamsters. No fetotoxic or teratogenic effects have been observed at doses of 0.03 μg/kg in rats (*129*) and 0.1 μg/kg in mice (*135*). Table 15 lists the no-effect-levels in rats and mice for teratogenicity from TCDD.

Table 15. No-Effect-Levels for Teratogenesis from TCDD

Species	Route of Administration	No-Effect-Level ug/kg per day	Reference
Rat	Subcutaneous	<0.5	Courtney and Moore (128)
	Oral	0.125	Khera and Ruddick (6)
	Oral	0.03	Sparschu et al. (129)
Mouse	Subcutaneous	<1.0	Courtney and Moore (128)
	Oral	<0.3	Neubert and Dillman (127)
	Oral	0.1	Smith et al. (135)

(2) *2,4,5-T (TCDD contamination ranging from undetectable to 30 ppm)*—(a) *Teratogenic and fetotoxic effects in rodents.* Courtney et al. (*123*) developed the first evidence that a 2,4,5-T pesticide product was teratogenic and fetotoxic (Table 16).[10] The 2,4,5-T used in this study contained approximately 30 ppm TCDD. The pesticide was administered daily either orally or subcutaneously on days 6 to 14 of gestation in C57BL/6 mice, days 6 to 15 in AKR mice, and days 10 to 15 in Sprague-Dawley rats. Subcutaneous adminstration of 113 mg/kg body weight resulted in significant increases in the incidence of cleft palate and cystic kidneys[11] in the embryos of both strains of mice, and fetal mortality in the C57BL/6 mice. Oral administration of the same dose caused increased incidence of cleft palate and fetal mortality in both strains and cystic kidneys in C57BL/6 mice. Courtney et al. also reported increases in liver-to-body weight ratios in fetal mice.

These investigators also found that 4.6, 10, or 46.4 mg/kg 2,4,5-T given orally to Sprague-Dawley rats produced kidney

[10]Results of this study were published by the Department of Health, Education, and Welfare (*121*) and by Clegg (*122*).

[11]In a recent report on studies measuring renal alkaline phosphatase in fetal mice, Highman et al. (*45*) attributed the increased incidence of "cystic kidneys" in the offspring of 2,4,5-T treated animals to retarded development, rather than true teratogenesis. Reduction in fetal weight and increased incidence of cleft palate were also observed among the fetuses of treated dams.

Table 16. Teratogenic Evaluation of 2,4,5-T[a/] in Mice[b/]

Mouse Strain	Route of Administration	Dose (mg/kg)	# Litters	Per Litter: Avg. # Live Fetuses	Per Litter: Abnormal Fetuses %	Per Litter: % Fetuses with Cleft Palate	Per Litter: % Fetuses with Cystic Kidney	Fetal Mortality %	Abnormal Litters %
C57BL/6[c/]									
Nontreated	----	---	72	5.8	11	<1	1	26	38
Control	Subcutaneous	f/	106	5.5	12	<1	2	29	42
Control	Stomach tube	g/	32	7.1	14	0	1	15	41
Treated	Subcutaneous	21.5[h/]	6	7.7	12	0	0	3	50
Treated	Subcutaneous	113.0[h/]	18	4.4	57[j/]	22[j/]	41[j/]	42	86[j/]
Treated	Stomach tube	46.4[i/]	6	8.5	37[k/]	2	33[j/]	8	100[k/]
Treated	Stomach tube	113.0[i/]	12	4.8	70[j/]	23[j/]	48[j/]	47[j/]	100[j/]
C57BL/6[d/]									
Nontreated	----	---	8	5.1	31	0	7	36	71
Control	Subcutaneous	f/	10	6.1	8	0	0	23	30
Treated	Subcutaneous	113.0[h/]	10	7.7	77[j/]	29[j/]	60[j/]	11	100[j/]
AKR[e/]									
Nontreated	----	---	58	7.1	5	<1	<1	16	19
Control	Subcutaneous	f/	72	6.9	4	<1	<1	15	24
Control	Stomach tube	g/	12	8.8	0	0	0	9	0
Treated	Subcutaneous	113.0[h/]	14	6.9	29[j/]	28[j/]	1	23	71[j/]
Treated	Stomach tube	113.0[i/]	7	5.3	55[j/]	55[j/]	0	42[k/]	100[j/]

a/ Contained approximately 30 ppm TCDD.
b/ Data from Courtney et al. (123).
c/ Treated from day 6 through 14 of pregnancy. Killed on day 18 of gestation.
d/ Treated from day 9 through 17 of pregnancy. Killed on day 18 of gestation.
e/ Treated from day 6 through 15 of pregnancy. Killed on day 19 of gestation.
f/ Dose, 100 ul DMSO per mouse.
g/ Dose, 100 ul honey solution (honey to water, 1:1) per mouse.
h/ Administered as a solution of 2,4,5-T in 100% DMSO in a volume of 100 ul per mouse.
i/ 2,4,5-T was suspended in a honey solution (honey to water, 1:1) in a volume of 100 ul per mouse.
j/ p = 0.01.
k/ p = 0.05.

anomalies and other embryotoxic effects at all levels (Table 17). The occurrence of hemorrhagic gastrointestinal tracts in rat fetuses was also reported.

Roll (*125*) found embryotoxic and teratogenic effects in NMRI mice after prenatal exposure to 2,4,5-T containing 0.05±0.02 ppm dioxin (Table 18). 2,4,5-T at 20 to 130 mg/kg body weight was administered orally to the dams on each of days 6 to 15 of gestation. At 90 or 130 mg/kg, the percentage of resorptions and/or dead fetuses was markedly increased relative to the controls; however, maternal toxic effects were also observed at these dose levels.[12] Statistically significant, dose-related reductions in fetal weight were observed at 20 mg/kg and above.

Cleft palate increased among fetuses exposed to 35 mg/kg or more and was significant when compared with control values. Skeletal retardation effects, manifested as insufficient ossification, were also observed. The teratogenic no-effect level in mice for this 2,4,5-T was considered to be 20 mg/kg. Later studies with a specially prepared sample of 2,4,5-T with no detectable amounts of dioxin (detection limit: <0.02 ppm) confirmed these results in mice (*125, 126*). By contrast, daily oral administration of 25 to 150 mg/kg of either the dioxin-free or commercial grade 2,4,5-T (<0.1 ppm dioxin) did not produce teratogenic effects in FW 49 rats (*236*).

Neubert and Dillman (*127*) also studied the effects of 2,4,5-T in NMRI mice, using three samples containing either (A) less than 0.02 ppm dioxin, (B) 0.05±0.02 ppm dioxin (provided by Dr. Roll), or (C) an unknown amount of dioxin (Table 19). Their results confirmed those obtained by Roll (*125*). 2,4,5-T was administered to the dams orally in rape-seed oil on each of days 6 through 15 of gestation at 8 to 120 mg/kg body weight.

The average number of resorptions was significantly higher than the oil control at 60, 90, and 120 mg/kg of sample (A), and 90 mg/kg of samples (B) and (C). Total resorption of one litter was observed in four of the groups (30, 45, 60, and 90 mg/kg) treated with sample (A) and in three of the litters treated with 90 mg/kg of sample (B); none was seen in the controls. Fetal weight was significantly depressed in all treated groups compared with the oil control.

The percentage of fetuses with cleft palate was significantly higher than the control group in all 2,4,5-T groups treated with 45 mg/kg or more. In the group treated with 120 mg/kg 2,4,5-T containing <0.02 ppm dioxin, 54% (7/13) of the litters and 11% (16/148) of the fetuses exhibited cleft palate compared with oil control values of 6% (4/66) and 0.7% (1/699), respectively.

These investigators also tested the butyl ester of 2,4,5-T and found similar effects. In experiments combining 2,4,5-T and TCDD, potentiation of teratogenic effects was observed. Sixty mg/kg of 2,4,5-T (sample A) combined with 0.3 ug/kg TCDD increased cleft palate frequency among fetuses from 5 to 14%. In this study no cleft palates were observed among fetuses treated only with 0.3 ug/kg TCDD.

Table 17. Teratogenic Evaluation of 2,4,5-T[a] in Rats[b]

Test Animal	Route of Administration	Dose (mg/kg)	# Litters	Per Litter: Avg. # Live Fetuses	Abnormal Fetuses %	% Fetuses with: Enlarged Renal Pelvis	Cystic Kidney	Fetal Mortality %	Abnormal Litters %
Rats[c]									
Nontreated	----	---	7	9.9	9	9	0	11	43
Control	Stomach tube	[d]	14	8.7	12	12	<1	1	57
Treated	Stomach tube	4.6[e]	8	8.2	36[g]	18	21	12	88
Treated	Stomach tube	10.0[e]	7	7.1	46[g]	17	30[g]	28[g]	86
Treated	Stomach tube	46.4[e]	6	2.7	60[h]	27	33[h]	59[g]	67

a/ Contained approximately 30 ppm TCDD.
b/ Data from Courtney et al. (123).
c/ Treated from day 10 through 15 of pregnancy. Killed on day 20 of gestation.
d/ Dose, 200 ul honey solution (honey to water, 1:1) per rat.
e/ 2,4,5-T was suspended in a honey solution (honey to water, 1:1) in a volume of 200 ul per rat.
f/ p = 0.01.
g/ p = 0.05.
h/ The sample size was possibly too small to show a significant difference.

Table 18. Embryotoxic Effects of 2,4,5-T in NMRI Mice[a]

Dose mg/kg	Implantations per Pregnancy	Resorptions and/or Dead Fetuses No./Total No.	Resorptions and/or Dead Fetuses %	Fetal weight (grams)	Cleft Palate No./Viable No	Cleft Palate %
0	10.1	19/332	5.7	1.23	6/313	1.9
20	9.8	30/344	8.7	1.09	6/314	1.9
35	9.5	22/248	8.9	1.06	14/226	6.2
60	9.9	15/208	7.2	1.05	19/193	9.8
90	9.8	35/293	11.9	0.86	39/258	15.1
130	9.6	191/316	60.4	0.73	61/125	48.8

a/ Data from Roll (125).

[12] Although the LD-50 for female NMRI mice had been previously determined to be 778 mg/kg, an increased maternal mortality rate was seen at 130 mg/kg and weight gain was depressed at doses above 60 mg/kg (*125*).

Table 19. Embryotoxic Effects of 2,4,5-T[a]

Treatment	Dioxin Content (ppm)	Dose (mg/kg)	Resorption (RES): % Litters with RES	% RES/Implantation Sites	RES/Single Litter w/RES (M)	Fetal Weight (grams)	Cleft Palate (CP): % Litters with CP	% Fetuses with CP
None	---	---	24	4	0.6	1.26[b]	6	0.6
Oil control	---	0.4 ml	32	4	0.5	1.30	6	0.7
2,4,5-T (A)	<0.02	8.0	35	3	0.4	1.27[b]	<7	<1
		15.0	38	5	0.5	1.15[b]	8	1
		30.0	56	7	0.8	1.09[b]	11	1
		45.0	55	6	0.6	0.98[b]	16	3[b]
		60.0	63	11	1.2[b]	1.01[b]	20	5[b]
		90.0	53	8	1.1[b]	1.02[b]	35	8[b]
		120.0	54	10	1.3[b]	0.95[b]	54	11[b]
2,4,5-T (B)	0.05	30.0	44	6	0.6	1.11[b]	22	2
		60.0	57	7	0.4	1.11[b]	71	9[b]
		90.0	71	8	1.0[b]	0.99[b]	86	23[b]
2,4,5-T (C)	unknown	90.0	71	13	1.4[b]	1.00[b]	72	26[b]

a/ Data from Neubert and Dillman (127); 2,4,5-T sample (b) received from Roll (125).
b/ $p \leq 0.01$.

Bage et al. (*132*) injected NMRI mice subcutaneously with 50 and 110 mg/kg 2,4,5-T (<1.0 ppm dioxin) on each of days 6 through 14 of gestation. At 110 mg/kg, 2,4,5-T was teratogenic, causing fetal death, cleft palate, and other anomalies.

Courtney and Moore (*128*) studied the effects of 2,4,5-T in CD-1 random-bred mice, two strains of inbred mice, DBA/2J and C57BL/6J, and CD rats (Table 20). 2,4,5-T containing 0.5 ppm (technical) or 0.05 ppm (analytical) TCDD was administered subcutaneously to mice at 50 to 150 mg/kg in DMSO and orally to rats at 10 to 80 mg/kg in sucrose on each of days 6 to 15 of gestation. At 100 mg/kg or more, both 2,4,5-T samples produced significant reductions, which appeared to be dose related, in fetal weight in all strains of mice; rats were not affected. 2,4,5-T was fetocidal at two doses, but the investigators considered this effect to be due to maternal toxicity.

Both 2,4,5-T samples produced cleft palate in mice. For CD-1 dams treated with 100 mg/kg of either 2,4,5-T sample, 40% of the litters and two fetuses per affected litter evidenced cleft palate compared with 0% in the control (Expt. 3). No cleft palates were

Table 20. Embryotoxic Effects of Analytical and Technical 2,4,5-T[a]

Species	Compound	Dose (mg/kg)	% Fetal Mortality per Litter	Fetal Weight (grams)	Cleft Palate (CP): % Litters Affected	# CP per Affected Litter	Kidney Anomalies: % Litters Affected	# Affected Fetuses per Affected Litter
CD-1 Mouse								
Expt. 1	DMSO	---	6.6	1.35	0	0	0	0
	2,4,5-T (Tech.)	50	6.6	1.26	0	0	0	0
	2,4,5-T (Tech.)	100	7.5	1.00	33	3.0	0	0
	2,4,5-T (Tech.)	150[b]	51.7	0.91	100	5.3	0	0
Expt. 2	DMSO	---	8.8	1.02	0	0	33	1.0
	2,4,5-T (Analy.)	100	9.6	0.73[d]	89	4.4	78	1.7
Expt. 3	DMSO	---	8.4	1.09	0	0	63	2.0
	2,4,5-T (Tech.)	100	10.7	0.85[d]	40	2.0	80	2.4
	2,4,5-T (Analy.)	100	11.6	0.86[d]	40	2.0	100	4.2
	2,4,5-T (Analy.)	125	12.9	0.71[d]	78	5.4	67	4.3
DBA/2 Mouse	DMSO	---	26.1	0.85	0	0	13	1.0
	2,4,5-T (Tech.)	100	27.0	0.67[d]	27	1.0	9	1.0
C57B1/6 Mouse	DMSO	---	10.8	0.99	0	0	9	1.0
	2,4,5-T (Tech.)	100	15.9	0.75[d]	40	1.2	0	0
CD Rat	Sucrose	---	3.4	2.48	0	0	0	0
	2,4,5-T (Tech.)	10	1.8	2.40	0	0	20	1.0
	2,4,5-T (Tech.)	21.5	1.4	2.54	0	0	38	1.3
	2,4,5-T (Tech.)	46.4	3.8	2.20	0	0	14	2.0
	2,4,5-T (Tech.)	80.0[c]	52.1	2.30	0	0	50	4.0

a/ Data from Courtney and Moore (128).
b/ Investigators thought this data to be close to a maternal toxic dose.
c/ Maternal LD-40.
d/ $p < 0.05$.

observed among the rat fetuses. To verify this observation, a second group of rats was given two 150 mg/kg doses of technical 2,4,5-T subcutaneously at the time of palate closure (days 13 to 14). Again, no cleft palates were observed; however, there was a significant increase in fetal mortality among treated animals (14%) when compared with the controls (0%).

Fetuses of CD-1 mice treated with analytical 2,4,5-T also showed increased incidences of kidney anomalies; the response to technical 2,4,5-T was not as great. At 100 mg/kg, 100% of the litters and 4.2 fetuses per affected litter of dams treated with analytical 2,4,5-T displayed kidney anomalies, compared with 80% and 2.4 for technical 2,4,5-T and 63% and 2.0 for controls (Expt. 3). The effect in inbred strains of mice was comparable with control values. In rats, technical 2,4,5-T at all dose levels produced higher incidences of litters affected and numbers of fetuses per litter affected than seen in the control animals. The maximum effects on kidney anomalies in rats were 50% of the litters and 4.0 fetuses per litter at 80 mg/kg, compared with 0% in the control litters.

In another study using CD-1 mice, Courtney (*134*) administered 0.45 to 1.0 mM/kg body weight per day of 2,4,5-T (0.05 ppm dioxin) either orally or subcutaneously during various segments of the gestation period (Table 21).[13] Cleft palate was seen in all groups treated with 2,4,5-T; there were no instances of this anomaly within the control groups. At 0.8 mM/kg, 48% of total fetuses and 37% of the litters evidenced this malformation. Statistically significant ($p < 0.05$) increases in the percentage of fetuses dead and/or resorbed were observed at the highest doses. All dose levels had adverse effects on fetal weight. The author noted that by slightly altering experimental conditions, the cleft palate effect and the effects on fetal mortality and fetal weight could be produced independently.

[13] Maternal toxicity was also observed, evidenced by reductions in maternal weight gain and increased liver-to-body weight ratios (*134*).

Table 21. Embryotoxic Effects of 2,4,5-T in CD-1 Mice[a]

Vehicle	Dose (mM/kg)	Days Dosed	Viable Normal Fetuses #/total #	Viable Normal Fetuses %	% Fetal Mortality	Fetal Weight (grams)	Cleft Palate (avg. %) Fetuses	Cleft Palate (avg. %) Litters
oil:Ac[b]	---	10-15	75/80	94	6	0.95	---	---
	---	11-13	99/112	88	11	0.94	---	---
	---	12-15	108/126	86	13	1.01	---	---
	0.45	10-15	86/107	80	17	0.89	7	6
	0.80	11-13	88/122	72	14	0.87	16	14
	0.80	11-14	21/59	36	29[e]	0.87	48	37
	1.00[d]	12-15	75/82	91	8	0.96	1	1
DMSO[c]	---	12-15	152/171	89	12	1.03	---	---
	1.00	12-15	11/68	16	72[f]	0.70	48	67

a/ Data from Courtney (134).
b/ Corn oil:Acetone (9:1)--oral.
c/ Dimethylsulfoxide -- subcutaneous.
d/ This concentration exceeded the solubility characteristics of the vehicle. Doubling the volume of vehicle resulted in effects more consistent with those found at lower doses.
e/ $p \leq 0.05$.
f/ $p \leq 0.001$.

Table 22. Effects of 2,4,5-T on Wistar Rat Fetuses[a]

Compund	Dose (mg/kg)	# of Litters	Avg. # per Litter Viable Fetuses	Avg. # per Litter Dead Fetuses	Fetal Weight (grams)	Avg. % Malformed Fetuses per Litter[b]
T-1	Treated	14	11.1	0.6	4.65	15
	Control					
	50	7	12.9	1.3	4.84	24
	100	9	11.3	1.9	4.60	29
T-2	Treated	10	9.2	0.6	5.34	10
	Control					
	25	13	10.5	0.8	5.06	15
	50	12	11.7	0.5	5.15	9
	100	9	8.6	2.4	4.57	32
	Treated	10	12.6	0.7	4.67	26
	Control					
	25	11	12.7	0.5	5.15	10
	50	14	11.5	1.4	4.91	28
	100	10	11.0	0.6	4.35	36
	150	5	11.6	2.2	3.98	56
T-3	Treated	10	11.8	0.7	5.31	17
	Control					
	25	14	12.2	0.9	5.00	11
	50	2	11.0	0.5	4.75	56
	100	12	12.6	0.9	5.00	37
	150	1	11.0	1.0	3.00	91
T-4[c]	50	8	11.3	1.1	4.94	14

a/ Data from Khera and McKinley (130).
b/ One or more skeletal malformation (viable fetuses).
c/ No treated control given.

Khera and McKinley (*130*) studied the prenatal and postnatal effects of 2,4,5-T in Wistar rats, using four samples containing no TCDD (detection limit: 0.5 mg/kg) [Table 22]. Twenty-five to one hundred fifty mg/kg body weight per day were administered to the dams, orally in gelatin or corn oil, on days 6 to 15 of gestation. At 25 and 50 mg/kg, the differences between experimental and control values were minimal. However, at 100 and 150 mg/kg, there were significant ($p < 0.05$) effects on fetal weight, number of dead fetuses, and percentage of malformed fetuses per litter.[14] The larger proportion of malformed fetuses in the treated groups resulted from either an increased incidence of skeletal anomalies also seen in the controls or a low incidence of abnormalities not observed in the controls. The former category included wavy ribs, retarded ossification, extra ribs, and a variety of sternal defects; the latter included fused ribs, small-sized distorted scapula, malformed humerus shaft, and bent radius or ulna. Abnormal kidneys were observed in 7 to 45% of the examinined fetuses treated with sample T-1, compared with a control value of 20 to 35%.

In the postnasal portion of the study, after normal delivery, survival rate, sex ratio, and pup weight on days 1 and 21 were compared. Although treated pups surviving from day 2 to 21 were slightly smaller at some dose levels, there were no significant differences from controls for any variable. In some experiments, litters were standardized at 8 pups on day 2, and the remaining littermates examined for defects. The increased incidences of malformations among treated groups were comparable to those found in the prenatal study. Assuming the same incidence for pups not examined, the investigators concluded that there were no real differences in survival rates among control and treated groups. The butyl ester of 2,4,5-T produced similar toxic effects.

Sokolik (*131*) orally administered 100 and 400 mg/kg and 50 and 200 mg/kg of 2,4,5-T and its butyl ester to rats of the Rappolovo line on each of days 1 to 14 or 1 to 16 of pregnancy. At 100 mg/kg, 2,4,5-T produced embryos with a combination of deformities including absence of lower jaw, abnormal hind limbs, and exophthalmos. At 400 mg/kg, the embryos of treated rats evidenced cleft palate, hydrocephalus, hydronephrosis, and abnormalities of the upper limbs which included tridactyly, webbed toes, and abnormal shortness.

The butyl ester of 2,4,5-T was more toxic than the parent compound, causing more than 30 percent embryonic mortality at 200 mg/kg. The lower dose, 50 mg/kg, also caused high mortality among the embryos. Cleft palate, hydronephrosis, hydrocephalus, and extensive gastrointestinal hemorrhages were also observed within the treated groups. From these results, the author concluded that 2,4,5-T and its derivatives have a high potential for teratogenic activity.

[14]Statistical significance was determined using the average value per dose level. Data from T-4 were not used in this analysis.

Table 21. Embryotoxic Effects of 2,4,5-T in Hamsters[a]

Compound	Dioxin Content (ppm)	Dose (mg/kg)	Fetuses: % Total Mortality	Fetuses: Avg # Live per Litter	Fetuses: Avg Weight[b] (grams)	% Fetal Viability per Litter	% Abnormalities per Live Litter	% Hemorrhages per Total Live Fetuses
Control	---	---	3.4	11.0	1.8	96.7	3.5	0.32
A	45	20	32.3	7.3	1.7	68.1[d]	25.0[d]	28.4
		40	74.3	3.7	1.7	25.8[d]	33.3[d]	75.7
		80	94.4	0.8	1.6	5.3[d]	100.0[d]	42.9
		100	100.0	0	---	0[d]	---	---
B	2.9	40	7.2	9.1	1.7	93.1	0	0
		80	9.8	10.4	1.7	90.1[d]	12.5	2.4
		100	11.4	12.8	1.7	88.5[d]	50.0[d]	13.0
C	0.5	20	8.5	12.6	1.7[d]	90.8[d]	0	8.6
		40	4.0	13.4	1.6[d]	95.9	11.1	2.5
		80	43.6	6.6	1.6[d]	58.3[d]	40.0[d]	12.5
		100	57.2	5.1	1.5[d]	40.2[d]	40.0[d]	7.6
D	0.1	40	2.4	11.4	1.8	97.8	0	0
		80	33.3	7.8	1.7	68.3[d]	0	2.1
		100	47.1	6.0	1.6[d]	57.2[d]	0	5.6
E	ND[c]	40	10.7	11.2	1.5[d]	88.2[d]	0	1.5
		80	29.9	8.7	1.5[d]	69.1[d]	0	4.2
		100	56.3	6.3	1.5[d]	53.1[d]	36.4[d]	0
F	ND	100	31.3	7.3	1.6[d]	71.4[d]	40.0[d]	6.8
G	ND	100	30.0	8.4	1.6[d]	68.3[d]	0	16.7

a/ Data from Collins and Williams (124).
b/ Apparently normal weights for samples A and B attributed to edema.
c/ Not detected.
d/ $p < 0.05$.

Collins and Williams (*124*) tested seven samples of 2,4,5-T from different sources for embryotoxic effects in golden Syrian hamsters (*Mesocricetus auratus*) [Table 23]. The dioxin contents ranged from not detectable (detection limit <0.1 ppm) to 45 ppm. Daily oral doses of 20 to 100 mg/kg body weight were administered in acetone:corn oil:carboxymethyl cellulose (1:5.8:10) on days 6 to 10 of gestation. 2,4,5-T with no detectable dioxin significantly ($p < 0.05$) reduced fetal weight and fetal viability per litter at all levels tested.

Total fetal mortality was greatly increased at all levels when compared with controls and was dose-dependent, as was the effect on fetal viability. The increased incidence of gastrointestinal hemorrhage also appeared to be dose related. At 100 mg/kg, "pure" 2,4,5-T caused increased incidences of malformations and reductions in the number of live fetuses per litter. One "pure" sample, F, at 100 mg/kg significantly reduced fetal weight from 1.8 to 1.6 grams, reduced fetal viability from 96.7 to 71.4 percent, and increased abnormalities from 3.5 to 40 percent. The anomalies associated with 2,4,5-T containing no dioxin were exencephaly, eye abnormalities, delayed head ossification, and hind limb deformities.

Increasing the level of dioxin contamination increased fetal mortality and the incidence of abnormalities per litter; fetal viability was reduced. A clear correlation was found between the level of dioxin and abnormalities per litter. Although the incidence of hemorrhages also increased, no relationship between it and dioxin level could be found. Bulging eyes (absence of eyelid) and delayed ossification were the most common anomalies seen among fetuses exposed to dioxin-contaminated 2,4,5-T; exencephaly, edema, cleft palate, ectopic heart, and fused ribs were also observed.

Emerson et al. (*141*) found no adverse effects of commercial 2,4,5-T, containing 0.5 ppm TCDD, on fetal development in Sprague-Dawley derived rats and New Zealand white rabbits. Daily oral doses of 2,4,5-T in gelatin were administered to the rats at 1 to 24 mg/kg on days 6 to 15 of gestation; to the rabbits at 10 to 40 mg/kg on days 6 to 18 of gestation. The investigators found no maternal or embryonic toxic effects in either species, nor was 2,4,5-T considered teratogenic under the conditions of these experiments. The most frequently observed abnormalities were accessory ribs, hydronephrosis, and retardation in the development of the sternebrae. With the exception of partially ossified sternebrae in both species and bilateral accessory ribs in the rabbit, the incidence of these anomalies was greater in the control animals than in the examined treated groups.

Sparschu et al. (*140*) orally administered 2,4,5-T, containing 0.5 ppm TCDD, to rats in daily doses of 50 and 100 mg/kg on days 6 to 15 and 6 to 10 of gestation, respectively. Results are given in Table 24. At 50 mg/kg, there were no significant maternal or embryonic toxic effects attributable to 2,4,5-T except for an increased incidence of delayed skull ossification, and a single fetus with in-

Table 24. Effects of 2,4,5-T on Fetal Devlopment of Rats[a/]

Parameter	Dose (mg/kg per day) 0	50	100
# Viable fetuses			
Total	252	203	13[b/]
Mean per litter	11	11	---
% Resorptions			
Litters	68	61	100
Total fetuses	6.7	12.1	75[c/]
Fetal weight (grams)			
Male	4.41	4.38	3.57[c/]
Female	4.17	4.15	3.52[c/]
Sex Ratio (M:F)	53:47	44:56	23:77
Abnormalities			
(% fetuses examined)			
Poorly ossified sternebrae			
Fifth	15.2	22.1	57.1[c/]
Second and fifth	3.0	4.2	14.3
Multiple	8.3	12.6	14.3
Malaligned sternebrae	0.8	2.1	28.6[c/]
Delayed ossification			
Interparietal	3.8	16.8[c/]	28.6[c/]
Parietals	3.0	16.8[c/]	57.1[c/]
Frontals	0.8	7.4[c/]	14.3

a/ Data from Sparschu et al. (140).
b/ All viable fetuses from one litter.
c/ $p < 0.05$

testinal hemorrhage. At 100 mg/kg, 2,4,5-T was toxic to both dams and fetuses.[15]

Resorptions were observed in all litters; 75 percent were totally resorbed. Fetal weight was significantly ($p < 0.001$) reduced in both sexes and the sex ratio was shifted in favor of females. Abnormalities observed which had significantly ($p < 0.05$) higher incidences than in the controls were poorly ossified and malaligned sternebrae and delayed skull ossification. The investigators concluded that the delayed ossification observed in this study was a reversible manifestation, rather than a true teratogenic effect.

(b) *Adverse Reproductive Effects in Other Mammalian Test Systems.* Adverse reproductive effects of 2,4,5-T exposure have been observed in other mammalian test systems. Lloyd et al. (*173*) reported on *in vivo* enzymatic studies showing reduced uptake and metabolism of testosterone by the prostate gland in male mice treated orally with doses of 2,4,5-T (6.25, 12.5, or 25 mg/kg, ten times daily).

Yefimenko (*151*) reported on the effects of acute and chronic exposure to the butyl ester of 2,4,5-T on gonadal and somatic tissue in an *in vivo* cytogenetic study in male albino rats. Chronic effects on the gonads were observed after exposure to 0.1 ug/kg for two and one half months. Adverse effects (seen at seven months, when the experiment was terminated), which were considered persistent effects, included testicular atrophy, decreased sperm count, desquamated tubules, and aberrant cells in the germinal epithelium. Chromosomal aberrations were also observed during the chronic phase of the experiment. EPA evaluation of this study found inadequacies in the methodology which would prevent the drawing of firm conclusions from this data (*106*).

Recent studies in rats by Sjoden and Soderberg [cited in (*25*)] appear to show that prenatal exposure to 2,4,5-T leads to behavioral abnormalities and changes in thyroid activity and brain seritonin levels in the progeny. Single oral doses of 100 mg/kg were administered to the dams on days 7, 8, or 9 of pregnancy.

(c) *Adverse Effects in Avian Species.* Embryotoxic effects in avian species due to 2,4,5-T exposure have been reported. Verrett (*136*) studied the effects of 2,4,5-T, containing either 27 or 0.5 ppm TCDD, on chicken eggs. The 2,4,5-T was injected through the air cell of the eggs, either preincubation or on the fourth day of incubation. The sample containing 27 ppm TCDD was found to be more lethal (LD-50=25 ug/egg) than the less contaminated sample (LD-50=100 ug/egg). Both samples produced teratogenic effects, including chick edema, eye defects, beak defects (primarily cleft palate), and short, twisted feet resulting from tendon slippage. Teratogenic effects were observed at doses as low as 1 ppm (50 ug/egg) with the sample containing 0.5 ppm TCDD and as low as 0.125 ppm (6.25 ug/egg) with the sample containing 27 ppm TCDD.

Lutz and Lutz-Ostertag (*138*) studied the action of 2,4,5-T, in aqueous solution at a concentration of 2 to 10 g/liter, on the embryonic development of quail (*Coturnix coturnix japonica*), chicken (*Gallus gallus*), pheasant (*Phasianus colchicus*), and two partridge species (*Alectoris rufa* and *Perdrix perdrix*). The 2,4,5-T was administered by dipping, spraying, and organo-typic cultures. Abnormal genital tracts were observed in all species, indicating abnormal sexual differentiation. Further, morphological changes in the testes often gave the appearance of true testicular atrophy. In another study, 2,4,5-T affected fertility in birds of both sexes (*139*).

(d) *Studies in Avian Species in Which Adverse Effects Were Not Observed.* Using 2,4,5-T contaminated with less than 0.1 ppm dioxin, Strange and Kerr (*142*) found no abnormal development in chicken embryos. Doses of 12.5, 25, 50, 75, 100, and 125 mg/kg were injected into eggs on days 0 and 5 of incubation; observations were made 48 hours later. At this developmental stage, kidneys were not sufficiently developed to detect the tubule lesions reported by Bjorklund and Erne (*143*).

(e) *Summary.* Studies have established that 2,4,5-T is fetotoxic and teratogenic at doses as low as 35mg/kg (0.05 ± 0.02 ppm TCDD) in mice (*125*); 4.6 mg/kg (approxiamately 30 ppm TCDD) in rats (*123*); and 20 mg/kg (0.5 ppm TCDD) in hamsters (*124*). Cleft palate and kidney anomalies have been observed in mice, rats, and hamsters. No fetotoxic or teratogenic effects (no-effect levels) have been observed at doses of 20 mg/kg (0.05 ± 0.02 ppm TCDD) in mice (*125*) and 25 to 150 mg/kg (0.05 ± 0.02 ppm TCDD) in rats (*125*).

(3) *Exposure Analysis.* In order to determine whether a rebuttable presumption should be issued based on reproductive and fetotoxic effects. pursuant to § 162.11(a)(3)(ii)(B), the Working Group must determine whether or not an ample margin of safety exists between the levels of 2,4,5-T and/or TCDD which produce reproductive and fetotoxic effects, and the level(s) to which humans can reasonably be anticipated to be exposed.

The cancellation of uses of 2,4,5-T on food crops intended for human consumption and for use around the home, recreation sites, aquatic areas, and ditch banks in 1970 was thought to have eliminated the potential exposure to that portion of the population at risk (women of child bearing age).

Social changes over the last few years, however, have given women the opportunity for employment in areas that once were considered open only to men. Since women of child-bearing age are now employed in occupations such as pesticide applicators, operators of highway construction and maintenance equipment, foresters, and chemical formulators, they have become part of the

[15]The high rate of maternal mortality caused dosing to be stopped on day 10, instead of day 15. Significant reductions in weight gain were also observed.

population at risk with potential exposure to 2,4,5-T and/or TCDD.

In order to determine whether an ample margin of safety exists, the Working Group must first determine how much 2,4,5-T a woman could be exposed to through oral, dermal, or inhalation exposure. For each of these analysis, the Working Group assumes a woman to weigh 60 kg. The following calculations are based on an exposure analyses for 2,4,5-T and TCDD performed by EPA's Criteria and Evaluation Division [CED] (*164*).

(a) *Oral Exposure.* For purposes of this analysis, the Working Group considered currently registered uses where the possibility of oral exposure to 2,4,5-T and/or TCDD existed. Treatment of range and pasture land could result in oral exposure through ingestion of meat and milk from animals grazing on the treated area. Since actual data on residues of 2,4,5-T in animals grazing on treated rangeland is unavailable, for purposes of the 2,4,5-T oral exposure analysis, the Working Group used residue information obtained in a feeding study (*37*) in which cattle were fed considerably higher amounts of 2,4,5-T than they would normally be exposed to in grazing on treated land. The following calculations are based on the average quantities of food eaten per day (1.5 kg), as reported by Lehman (*144, 165*).

Table 25. 2,4,5-T Oral Exposure Analysis

	Whole Milk	Meat (Beef)
No-adverse-effect level for teratogenicity in mice	20 mg/kg	20 mg/kg
Average level of 2,4,5-T identified	0.103 ppm[a/]	0.2 ppm[a/]
% of food item in total human diet	19.6%	4.6%
Average amount of food eaten per day	1.5 kg	1.5 kg
Exposure to 2,4,5-T per day	0.0005 mg/kg	0.0002 mg/kg

a/ Animals were fed at 300 ppm 2,4,5-T in the diet for 2 to 3 weeks. This is a worst case assumption for cows grazing on freshly-treated pasture without a withdrawal period; all milk and meat was obtained from such cows. Meat (beef) includes muscle, fat, and liver tissues which constitute the major portion of edible meat.

To find the average daily intake of a single food item, multiply the average daily food intake by the percent of that item in the total diet: For milk, 1.5 kg×19.6%=0.294 kg; and for meat (beef), 1.5 kg×4.6%=0.069 kg.

The quantity of 2,4,5-T in the average daily diet equals the average daily intake of each food item multiplied by the level of 2,4,5-T in the food item: For milk, 0.294 kg×0.103 ppm=0.03 mg; and for meat (beef), 0.069 kg×0.2 ppm=0.014 mg.

The theoretical exposure of an average woman equals the amount of 2,4,5-T in the daily diet divided by the weight of the average woman: For milk, 0.03 mg/60 kg=0.0005 mg/kg; and for meat (beef), 0.014 mg/60 kg=0.0002 mg/kg; total exposure from milk and beef products could be 0.0007 mg/kg per day.

Existing data on TCDD residues in animals grazing on treated rangeland are too meager to use for an analysis of TCDD exposure to humans through ingestion of meat or milk from animals so exposed.

The Working Group considers that the difference between the no-adverse-effect level of 2,4,5-T for teratogenic effects (20 mg/kg) and the calculated oral exposure level for 2,4,5-T (0.0007 mg/kg per day) does constitute an ample margin of safety. Since this risk criterion for other chronic adverse effects has not been met or exceeded, a rebuttable presumption does not arise.

(b) *Dermal Exposure.* In order to conduct these analyses, the Working Group must determine the amount of 2,4,5-T and/or TCDD which would come in contact with the skin and the amount that would be absorbed.

(i) *Spray Applicator: Back-pack Sprayer.* For purposes of this analysis, the Working Group assumes the applicator to be a 60-kg woman of child-bearing age, and the site of application either a right-of-way or spot treatment of pasture or rangeland. The equipment is a back-pack sprayer (*166*). The following calculations of exposure are based on dilution for spraying of three pints of formulated product per 32 pints of water. Typical 2,4,5-T formulations, based on inspection of a large number of registered labels (*164*), range from 4 to 6 pounds active ingredient (acid equivalent) per gallon. The product used in this exposure analysis has an assumed concentration of 4 pounds 2,4,5-T per gallon. Label recommendations vary from a recommended dilution of 0.094 to 4 pounds acid equivalent per 32 pints of water. A dilution rate of 1.6 pounds per 32 pints has been selected as representative of a typically-used spray mixture.

Wolfe et al. (*166*) studied dermal exposure to fenthion during hand back-pack spraying for mosquitoes for ten situations. Exposure ranged from 0.1 to 6.3 mg/hr, with a mean value of 3.6 mg/hr (6 ml/hr). Method of application was a hand pressure sprayer, using a 0.06 percent spray. Workers wore short-sleeved, open-necked shirts with no gloves or hat. Based on Wolfe's data, CED (*164*) calculated a dermal exposure of approximately 0.177 pints per day. CED (*164*) also determined that approximately 10 percent of the 2,4,5-T and TCDD coming in contact with the skin of the applicators would be absorbed even after washing, based on absorption studies with other pesticides (*145, 146, 163*).

Table 26. Back-pack Sprayer Dermal Exposure Data

	2,4,5-T	TCDD
Use Dilution rate	3 pints (1.6 pounds 2,4,5-T) per 32 pints water	3 pints (0.00000016 pounds TCDD) per 32 pints water
Amount of diluted material gotten on skin daily	0.18 pint	0.18 pint
% Diluted material absorbed	10%	10%
Exposure level	409 mg	0.0409 ug
Dose level	6.8 mg/kg	0.0007 ug/kg
No-Adverse-Effect level for teratogenic effects	20 mg/kg	0.03 ug/kg

The following calculations (see Table 27 for mathematics) will give the daily dermal exposure for both 2,4,5-T and TCDD: (1) Convert the dilution rate to grams; (2) multiply this figure by 1,000 (for 2,4,5-T) to convert to milligrams and by 1,000,000 (for TCDD) to convert to micrograms: (3) multiply this figure by the daily dermal dose of diluted material; (4) multiply this figure by the percent absorbed; and (5) divide this figure by the weight of the applicator for the daily exposure to 2,4,5-T or TCDD per 8-hour working day.

The Working Group considers that the difference between the no-adverse-effect level of 2,4,5-T for teratogenic effects (20 mg/kg) and this calculated dermal exposure level for 2,4,5-T (6.8 mg/kg), as well as the difference between the no-adverse-effect level of TCDD for teratogenic effects (0.03 μg/kg) and this calculated exposure level for TCDD (0.0007 μg/kg), do not constitute an ample margin of safety. The Working Group therefore recommends issuance of a rebuttable presumption against pesticide products containing 2,4,5-T and/or TCDD pursuant to 40 CFR Section 162.11(a)(3)(ii)(B).

(ii) *Spray Applicator: Tractor-mounted, Low-boom Spray Equipment.* For the purpose of this analysis, the Working Group assumes the applicator to be a 60-kg female of childbearing age clearing brush on either rangeland or rights-of-way. The same product cited above (2,4,5-T at 4 pounds/gal) is being used, and the dilution rate is 1.6 pounds of formulation to 32 pints of water (equal to 4 pounds of 2,4,5-T per 10 gallons of water). Based on exposure studies using similar equipment but a different herbicide (*147*), the Working Group determined that, during an eight-hour working day, the applicator would get 0.048 pints of diluted material on her skin. The Working Group determined that 10 percent of the pesticide on the skin would be absorbed (*145, 146, 163*).

The following calculations (see Table 29 for mathematics) will give the daily dermal exposure for both 2,4,5-T and TCDD: (1) Convert the dilution rate to grams; (2) multiply this figure by 1,000 (for 2,4,5-T) to convert to milligrams and by 1,000,000 (for TCDD) to convert to micrograms; (3) multiply this figure by the daily dermal dose of diluted material; (4) multiply this figure by the percent absorbed; and (5) divide this figure by the weight of the applicator for the daily exposure to 2,4,5-T or TCDD per 8-hour working day.

Table 27

2,4,5-T	TCDD
1) 1.6 pounds/32 pt X 454 g/pound = 22.70 g/pt;	1) 0.00000016 pounds/32 pt X 454 g/pound = 0.00000227 g/pt;
2) 22.70 g/pt X 1,000 mg/g = 22,700 mg/pt;	2) 0.00000227 g/pt X 1,000,000 ug/g = 2.27 ug/pt;
3) 22,700 mg/pt X 0.18 pt = 4,086 mg;	3) 2.27 ug/pt X 0.18 pt = 0.41 ug;
4) 4,086 mg X 10% = 408.6 mg	4) 0.41 ug X 10% = 0.041 ug;
5) 408.6 mg / 60 kg = 6.8 mg/kg per day	5) 0.041 ug / 60 kg = 0.0007 ug/kg per day

Table 28. Dermal Exposure Data (Tractor Mounted Equipment)

	2,4,5-T	TCDD
Use Dilution rate	3 pints (1.6 pounds 2,4,5-T) per 32 pints water	3 pints (0.00000016 pounds TCDD) per 32 pints water
Amount of diluted material gotten on skin daily	0.048 pint	0.048 pint
% Diluted material absorbed	10%	10%
Exposure level	109 mg	0.0109 ug
Dose level	1.8 mg/kg	0.00018 ug/kg
No-Adverse-Effect level for teratogenic effects	20 mg/kg	0.03 ug/kg

Table 29

2,4,5-T	TCDD
1) 1.6 pounds/32 pt X 454 g/pound = 22.70 g/pt;	1) 0.00000016 pounds/32 pt X 454 g/pound = 0.00000227 g/pt;
2) 22.70 g/pt X 1,000 mg/g = 22,700 mg/pt;	2) 0.00000227 g/pt X 1,000,000 ug/g = 2.27 ug/pt;
3) 22,700 mg/pt X 0.048 pt = 1,089.6 mg;	3) 2.27 ug/pt X 0.048 pt = 0.109 ug;
4) 1,089.6 mg X 10% = 108.96 mg;	4) 0.109 ug X 10% = 0.011 ug;
5) 108.96 mg / 60 kg = 1.8 mg/kg per day	5) 0.011 ug / 60 kg = 0.00018 ug/kg per day

The Working Group considers that the difference between the no-adverse-effect level of 2,4,5-T for teratogenic effects (20 mg/kg) and this calculated dermal exposure level for 2,4,5-T (1.8 mg/kg), as well as the difference between the no-adverse-effect level of TCDD for teratogenic effects (0.03μg/kg) and this calculated exposure level for TCDD (0.00018 μg/kg), do not constitute an ample margin of safety. The Working Group therefore recommends issuance of a rebuttable presumption against pesticide products containing 2,4,5-T and/or TCDD pursuant to 40 CFR 162.11(a)(3)(ii)(B).

(iii) *Aerial Application: Exposed Population Directly Beneath Spray Plane.* Caplan et al. (*167*), working with aerially applied malathion in oil sprays applied at 0.46 pounds per 0.76 gallons water/acre, determined a dermal exposure to persons directly beneath the spray plane for bare skin (head, neck, shoulders, forearms, hands, and thighs) of 3.556 mg/day. With these data, an equivalent dermal exposure for 2,4,5-T and TCDD, aerially applied at 4 pounds acid equivalent 2,4,5-T per 10 gallons water/acre, can be determined.

Table 30. Dermal Exposure Data (Aerial Application)

Dermal exposure to aerially applied malathion	3.556 mg/0.46 pounds malathion per acre	
	2,4,5-T	TCDD
Use Dilution rate	4 pounds 2,4,5-T per 10 gallons of water/acre	0.0000004 pounds TCDD per 10 gallons of water per acre
% Diluted material absorbed	10%	10%
Exposure level	3.1 mg	0.0003 ug
Dose level	0.051 mg/kg	5×10^{-6} ug/kg
No-Adverse-Effect level for teratogenic effects	20 mg/kg	0.03 ug/kg

The following calculations (see Table 31 for mathematics) will give the daily dermal exposure for both 2,4,5-T and TCDD: (1) Divide the dermal exposure to malathion by the malathion application rate and multiply by the application rate of 2,4,5-T and TCDD to obtain the dermal exposure; for TCDD, multiply this figure by 1,000 to convert to micrograms; (2) multiply this figure by the percent absorbed; and (3) divide this figure by the weight of the applicator for the daily exposure to 2,4,5-T or TCDD per 8-hour working day.

Table 31

2,4,5-T	TCDD
1) 3.556 mg/0.46 pounds X 4 pounds = 31 mg;	1) 3.556 mg/0.46 pounds X 0.0000004 pounds = 0.000003 mg X 1,000 = 0.003 ug;
2) 31 mg X 10% = 3.1 mg;	2) 0.003 ug X 10% = 0.0003 ug;
3) 3.1 mg/ 60 kg = 0.051 mg/kg per day	3) 0.0003 ug / 60 kg = 5×10^{-6} ug/kg per day

The Working Group considers that the difference between the no-adverse-effect level of TCDD for teratogenic effects (0.03 μg/kg) and this calculated dermal exposure level for TCDD (5×10^{-6} μg/kg) does constitute an ample margin of safety. The Working Group also considers, however, that the difference between the no-adverse-effect level of 2,4,5-T for teratogenic effects (20 mg/kg) and this calculated dermal exposure level for 2,4,5-T (0.051 mg/kg) does not constitute an ample margin of safety. The Working Group therefore recommends issuance of a rebuttable presumption against pesticide products containing 2,4,5-T pursuant to 40 CFR 162.11(a)(3)(ii)(B).

(c) *Inhalation Exposure: Aerial Application.* There are no studies available on inhalation exposure of 2,4,5-T. There are, however, several studies on inhalation exposure to malathion (167, 168) which CED used as a model for this 2,4,5-T exposure analysis (*164*). Caplan et al. (*167*) determined an air concentration, for unprotected persons directly beneath the spray plane during application and for two hours afterward, of 0.067 mg malathion/m^3 from aerial application of 0.46 pounds AI/gallon per acre. The collection period spanned the course of the actual application time plus two hours thereafter. The authors considered the sampling technique to be equivalent to average inspira-

tion through the nostrils. This inhalation exposure (amount available for inhalation) was 12 percent of the applied malathion. Caplan et al. further reported that the average median diameter (=volume median diameter, or vmd [16]) was 109 microns. Based on work by Akesson and Yates (*168*), CED (*164*) estimated that the size of the malathion droplets which could be inhaled was under 60 microns. Since 2,4,5-T is typically applied as a medium or coarse spray, while malathion is applied as a fine spray, the percent of 2,4,5-T droplets small enough to be inhaled (under 60 microns) would be less than the percent of malathion droplets small enough to be inhaled. According to Akesson and Yates (*168*), 2 percent of 2,4,5-T spray droplets would be available for inhalation (or ⅛ the amount of malathion droplets available for inhalation), on a "worst case" basis.

[16]The vmd is that droplet size which divides the total volume of drops in half, i.e., 50 percent of the volume is in drops above the vmd size and 50 percent below it.

The following calculations (see Table 33 for mathematics) will give the daily inhalation exposure for both 2,4,5-T and TCDD: (1) Multiply the air concentration of malathion by the amount of 2,4,5-T and TCDD applied, then multiply this figure by ⅛ for the inhalation exposure to 2,4,5-T and TCDD; for TCDD, multiply this figure by 1,000 to convert to micrograms; (2) multiply this figure by the breathing rate; (3) multiply this figure by eight [8] to get the 8-hour exposure total; and (4) divide this figure by the weight of the applicator for the inhalation exposure to 2,4,5-T or TCDD per 8-hours exposure.

Table 32. Inhalation Exposure Data (Aerial Application)

Air concentration of aerially applied malathion	0.067 mg/m^3 with application rate of 0.46 pounds malathion per gallon per acre	
	2,4,5-T	TCDD
Use Dilution rate	4 pounds 2,4,5-T per 10 gallons of water/acre	0.0000004 pounds TCDD per 10 gallons of water per acre
Lung Absorption Rate	100%	100%
Breathing Rate	1.8 m^3/hr	1.8 m^3/hr
Exposure level	0.34 mg per 2 hr	0.000032 ug per 2 hr
Dose level	0.023 mg/kg per 8 hr	2 X 10^{-6} ug/kg per 8 hr
No-Adverse-Effect level for teratogenic effects	20 mg/kg	0.03 ug/kg

Table 33.

2,4,5-T	TCDD
1) 0.067 mg/cu m per 0.46 pounds X 4 pounds = 0.58 mg/cu m X 1/6 = 0.097 mg/cu m;	1) 0.067 mg/cu m per 0.46 pounds X 0.0000004 pounds = 0.000000058 mg/cu m X 1/6 = 0.000000009 mg/cu m X 1,000 = 0.000009 ug/cu m;
2) 0.097 mg/cu m X 1.8 cu m/-hr = 0.17 mg/hr;	2) 0.000009 ug/cu m X 1.8 cu m/hr = 0.000016 ug/hr;
3) 0.17 mg/hr X 8 = 1.36 mg;	3) 0.000016 ug/hr X 8 = 0.000128 ug;
4) 1.36 mg / 60 kg = 0.026 mg/kg exposure per day	4) 0.000128 / 60 kg = 2 X 10^{-6} ug/kg per day

The Working Group considers that the difference between the no-adverse-effect level of TCDD for teratogenic effects (0.03 μg/kg) and this calculated dermal exposure level for TCDD (2 × 10^{-6} μg/kg) does constitute an ample margin of safety. The Working Group also considers, however, that the difference between the no-adverse-effect level of 2,4,5-T for teratogenic effects (20 mg/kg) and this calculated dermal exposure level for 2,4,5-T (0.026 mg/kg [17]) does not constitute an ample margin of safety. The Working Group therefore recommends issuance of a rebuttable presumption against pesticide products containing 2,4,5-T pursuant to 40 CFR 162.11(a)(3)(ii)(B).

(d) *Cumulative Exposure.* The Working Group has also considered the possibility of a single individual being exposed through two or more of the above routes. The results (derived from Tables 27, 29, and 31) are shown in Table 34. The Working Group also notes that possible cumulative exposure to several dioxin-containing pesticides could increase the total body burden and increase total risk from dioxin exposure.

The Working Group considers that the differences between the no-adverse-effect level of TCDD for teratogenic effects (0.03 μg/kg) and the calculated cumulative exposure levels for TCDD in Situations 2 and 3 (see Table 34) do constitute an ample margin of safety. The Working Group also considers, however, that the differences between the no-adverse-effect levels of 2,4,5-T and TCDD for teratogenic effects (20 mg/kg and 0.03 μg/kg, respectively) and the calculated cumulative exposure levels for 2,4,5,-T in Situations 1, 2, and 3 and TCDD in Situation 1 (see Table 34) do not constitute an ample margin of safety. The Working Group therefore recommends issuance of a rebuttable presumption against pesticide products containing 2,4,5-T pursuant to 40 CFR 162.11(a)(3)(ii)(B).

[17]Johnson (63) (see Section I.G.(3)), in a review article, calculated a daily inhalation exposure to phenoxy herbicides of 0.025 μg/kg for a 70-kg adult. The calculations were based on actual air monitoring data of air samples collected in two wheat-growing areas in the state of Washingon during spring and summer and analyzed for phenoxy herbicides. The author did not specify how soon after application the samples were taken.

Table 34. Cumulative Exposure to 2,4,5-T and TCDD

Situation #1: 2,4,5-T	Situation #1: TCDD
Oral- 0.0007 mg/kg	Oral- -----
Dermal- 6.8 mg/kg	Dermal- 0.0007 ug/kg
Inhal.- 0.2 mg/kg[a/]	Inhal.- negligible[a/]
Cum. = 7.0 mg/kg	Cum. = 0.0007 ug/kg
Situation #2: 2,4,5-T	**Situation #2: TCDD**
Oral- 0.0007 mg/kg	Oral- -----
Dermal- 1.8 mg/kg	Dermal- 0.00018 ug/kg
Inhal.- 0.05[a/]	Inhal.- negligible[a/]
Cum. = 1.85 mg/kg	Cum. = 0.00018 ug/kg
Situation #3: 2,4,5-T	**Situation #3: TCDD**
Oral- 0.0007 mg/kg	Oral- -----
Dermal- 0.051 mg/kg	Dermal- 5×10^{-6} ug/kg
Inhal.- 0.026 mg/kg	Inhal.- 2×10^{-6} ug/kg
Cum. = 0.0777 mg/kg	Cum. = 7×10^{-6} ug/kg

a/ Calculations were made on a worst-case basis as 3% of dermal exposure based on Wolfe (179) who states, "over 97% of the pesticide to which the body is subjected during most exposure situations, and especially to applicators of liquid sprays, is deposited on the skin." TCDD inhalation exposure values were negligible: Situation #1, 21×10^{-6} ug/kg; Situation #2, 54×10^{-7} ug/kg.

IV. STUDIES RELATING TO POSSIBLE ADVERSE EFFECTS

This section addresses other types of adverse effects of 2, 4, 5-T for which the Working Group has determined that insufficient evidence exists to initiate a rebuttable presumption. The Agency solicits comments from registrants and other interested parties on the evidence listed below, and requests submission of any additional studies or relevant information on 2, 4, 5-T and/or TCDD relative to these potential adverse effects.

A. *Mutagenicity.* Section 162.11(A)(3)(ii)(A) provides that a rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) induce mutagenic effects, as determined by multitest evidence.

(1) *2, 4, 5-T*—(a) *Positive Study.* Majumdar and Golia (*178*) fed male *Drosophila melanogaster* either 250 or 1,000 ppm dioxin free 2, 4, 5-T (obtained from Eastman Kodak) for 15 days. They were then mated to sets of virgin females to generate three 4-day broods of offspring. F_1 flies were allowed to mate, and F_2 flies were scored for X-linked recessive lethals. No differences among broods were noted, and data from all broods were pooled. The percent lethals in controls, 250 and 1,000 ppm groups were dose-related and were 0.05, 0.026, and 0.66 percent, respectively. The control vs. 1,000 ppm lethal rates were significantly different from one another ($p < 0.01$). Ethyl methane sulfonate (250 ppm) was included as a positive control; it yielded 13.70 percent lethals. The total number of flies in each experimental group was no larger than 2,000.

(b) *Negative Studies.* The mutagenicity of 2, 4, 5-T was evaluated by Ercegovich et al. (*148*), employing the procedure of Ames, using five strains of *Salmonella typhimurium* without activation. They concluded that 2, 4, 5-T is not mutagenic.

Fujita et al. (*149*) reported chromosomal abnormalities in *in vitro* cytogenetic studies of human lymphocytes exposed to 10^{-7} to 10^{-4} M of 2, 4, 5-T, which contained 0.09 ppm TCDD. Breaks, deletions, and rings were observed. Chromatid breaks increased with increasing concentrations of 2, 4, 5-T. It was not possible to distinguish whether this was a toxic effect or a potential genetic effect (*150*).

Majumdar and Hall (*169*) reported on the cytogenetic effects of 2,4,5-T[18] on in vivo bone-marrow cells of Mongolian gerbils. The animals were injected with total amounts of 2,4,5-T at the rate of 50, 150, 250, 350, or 500 mg/kg body weight over the 5-day period of the study. Increasing numbers of chromatic gaps, breaks, and fragments were observed at 250, 350, and 500 mg/kg doses. No exchange figures or isochromosome gaps or breaks were observed. This is not a definitive experiment for indicating the potential of 2,4,5-T for causing heritable chromosome damage (*170*). Toxicity effects of the chemical could give similar results (*170*).

Davring and Hultgren (*171*) reported on an *in vivo* study on the cytogenetic effects on bone-marrow cells of *Mus musculus* (male mice) induced by a Swedish commercial 2,4,5-T ester formulation[19] and its components. The study showed that 2,4,5-T commercial products can affect chromosomal and reproductive mechanisms. Two different strains of mice were used with similar results for both. These results correlated with effects seen in Drosophila. The authors stated that chromatid inter- or intraexchanges were never observed. This study was not carried out sufficiently for the demonstration of chromosomal effects such as rearrangements in future generations of somatic cells (*170*).

Davring and Sunner (*172*) demonstrated cytogenetic effects of a Swedish commercial 2,4,5-T formulation[20] on oogenesis and early embryogenesis in *Drosophila melanogaster.* A 50 percent decrease in fertility for the flies was determined to be 250 ppm. This level is 40 to 60 times less than field use concentration levels. Reproductive and chromosomal effects were observed.

[18]The 2,4,5-T used in this study was purchased from Eastman Kodak Co., Rochester, N.Y., and contained no measurable amount of TCDD. The authors do not indicate the limit of sensitivity.

[19]The concentration of TCDD was guaranteed to be less than 0.1 ppm in the product.

[20]TCDD concentration was less than 0.1 ppm in this formulation which was tested at practical field use concentrations or lower.

(2) *TCDD*—(a) *Positive Studies.* Hussain et al. (*24*) evaluated the mutagenic activity of TCDD (99 percent pure) on three different microbial test systems. In the first study, TCDD significantly increased the incidence of reverse mutations in *Escherchia coli* Sd-4 administered 2 μg/ml TCDD from streptomycin dependence to streptomycin independence. This was the only dose at which mutations were clearly observed. No details of the experimental protocol were given, and statistical methods were apparently not employed in assessing the data.

The second test by Hussain et al. (*24*) studied reverse mutation from histidine dependence to histidine independence in *Salmonella typhimurium* (Strains TA 1532 and TA 1530). TCDD was positive in TA 1532 but negative in TA 1530. This indicated that TCDD acts as a frameshift mutagen. ICR-170 was used as a positive control in the test with TA 1532. No positive or negative controls were tested in TA 1530.

In the third test Hussain et al. (*24*) observed slight prophage induction in *E. coli* K-39. However, data from this test were difficult to evaluate because the solvent used, dimethyl sulfoxide, causes cellular effects.

A preliminary report on the chromosomal analysis of hospital patients exposed to TCDD in the accident at the Seveso, Italy, factory was presented at the Department of Health, Education, and Welfare meeting on October 12, 1976 (*152*). An increased number of chromosomal lesions (gaps, chromatidic and chromosomal breaks, and rearrangements) were observed in somatic cells of the 2- to 28-year-old males and females tested. Cytogenetic studies of tissues from therapeutic abortions performed on women who were exposed to TCDD during the accident indicated that there was chromosomal damage to cells in maternal peripheral blood, and placental and fetal tissues. These preliminary results were based on a small number of samples, and no specific data are available at this time (*150*).

(b) *Negative Studies.* Khera and Ruddick (*6*) conducted dominant lethal tests in which male Wistar rats received TCDD at dosages of 4 and 8 μg/kg per day. The studies indicated that no dominant lethal mutations arose during the 35 days after treatment. The period examined corresponded to postmeiotic stages of spermatogenesis.

A cytogenetic screening study of the effects of TCDD on bone marrow cells of male Osborne-Mendel rats was performed by the Food and Drug Administration (*119*). Two separate experiments were performed. The first was a multiple dose test in which 10 μg TCDD/kg per day was administered by intubation for 5 consecutive days. In the second test, single doses of 5, 10, and 15 μg TCDD/kg were administered intraperitoneally and 20 μg/kg (the highest dose) was administered orally. There was no evidence from these studies to indicate that TCDD produced cytogenetic damage in the bone marrow of these male rats. Toxicity, which was indicated by a slight weight loss, was noted in rats that received a single dose of 15 or 20 μg/kg (the highest dose levels).

Green (*119*) conducted a short-term investigation of several dioxins, using male Osborne-Mendel rats, to determine what potential these substances had to produce cytogenetic damage in rat bone-marrow. In one study all of the dioxins were tested by being intubated in the rats for five consecutive days at 10 μg/kg per day. A second study involved TCDD alone administered orally at 20 μg/kg and intraperitoneally at 5, 10, and 15 μg/kg. The author found no evidence that any of the substances tested produced cytogenetic damage in the bone marrow of male rats.

In conclusion, although Hussain et al. (*24*) have demonstrated that TCDD does appear to act as a point (gene) mutagen, the evidence is weak for heritable genetic effects since the level of mutagenic testing is meager and there were some major deficiences in some tests. However, the study by Hussain et al. does not fulfill the criterion of multitest evidence as prescribed in 40 CFR 162.11. Although TCDD does appear to have the potential to act as a chromosomal mutagen from the *in vivo* cytogenetic studies (*152*), specific data are not yet available from the Seveso accident.

(3) *Chromosomal Damage.* The Working Group also wishes to call attention to three studies (previously discussed in Sections III.B.(2)(b), IV.(1), and IV.(2)(b)), which indicate that 2,4,5-T and/or TCDD may cause chromosomal damage. Fujita et al. (*149*) reported chromosomal abnormalities in *in vitro* tests on human lymphocytes exposed to 2,4,5-T; abnormalities included breaks, deletions, and rings. Yefimenko (*167*) reported damage to bone-marrow cell chromosomes (including breaks, true aberrations, or rearrangements) in *in vivo* tests on rat gonadal and somatic tissue exposed to butyl ester 2,4,5-T. The preliminary HEW report (*152*) on the Seveso incident indicated an increased number of chromosomal lesions (gaps, chromatic breaks, and rearrangements) in somatic cells of 2- to 28-year-old humans exposed to TCDD.

The Working Group concludes that there is a data gap on mutagenic effects and that further evidence and testing is needed on the mutagenicity of 2,4,5-T and TCDD. The Working Group would like to evaluate more detailed and specific information as it becomes available from the Seveso accident. Relevant information or studies on the mutagenetic effects of 2,4,5-T and/or TCDD should be submitted to the Agency, and the option for re-evaluating their mutagenic properties must be left open should more conclusive evidence become available.

B. *Toxicity to Humans: TCDD*—(1) *Chloracne.* A number of researchers have reported illness ascribed to TCDD (*90, 93, 95, 153*). Most of these toxic effects have occurred in chemical plant workers after accidental exposure to the dioxin. While a number of ill effects have been reported, the most widely known is chloracne.

Chloracne is a severe skin disease resulting from exposure to highly chlorinated dibenzo dioxins. It is a disease of the follicular and sebaceous glands. Its symptoms and signs include skins lesions, follicular hyperkeratosis, and the formation of large sebaceous cysts, inflammed tubercles, and pustules. In addition to these symptoms, chloracne is often accompanied by a brownish keratinization of the skin, cystitis, pyelonephritis, depression, hirsutism, fatigue, neurological disturbances, raised cholesterol levels, liver damage, and psychological manifestations (*10, 15, 16, 154, 155, 156, 157*). Several researchers have observed that chloracne is not only irritating and persistent but also very difficult to cure. It is one of the most frequently contracted forms of occupational dermatitis, occurring primarily in chemical plant employees engaged in the production of 2,4,5-T and 2,4,5-TCP (*16, 95, 155, 156, 158*).

The first report on a toxic material being the causative agent for an occupational skin disease appears to have been by Dr. Karl Herxheimer in 1899. Dr. Herxheimer diagnosed the cause of dermatological problems in a German factory worker as exposure to chlorine ions in the production of caustic potash (*159*). It is from this early diagnosis that we get the name chloracne. During the early 1950's there were a series of industrial accidents in Germany resulting in an outbreak of chloracne in the employees of chemical plants manufacturing 2,4,5-T and 2,4,5-TCP. The symptoms of the employees of one of these factories in Hamburg, Germany, were extensively investigated by Kimming and Schulz (*16*). These researchers, using the rabbit ear test, proved that the cause of the chloracne was a contaminant found in crude 2.4,5-TCP and not the formulated 2,4,5-TCP. Later on, Bauer et al. (*15*) conclusively identified TCDD as the causative agent of chloracne.

(2) *Porphyria cutanea tarda and δ-Aminolevulinic Acid Synthetase.* Porphyria cutanea tarda (PCT), a form of hepatic porphyria, is another disease caused by exposure to TCDD and often accompanies chloracne. PCT occurs primarily in industrial workers associated with the manufacture of 2,4,5-T (*93, 94, 160*).

The symptoms of porphyria cutanea tarda, a defect in hepatic metabolism of porphyrins, are fragility of the skin, photosensitivity of the skin, hyperpigmentation, over-production of porphyrins, hirsutism, and neurological and intestinal disorders (*94, 160*). It is also characterized biochemically by an increase in the activity of the mitochondrial enzyme δ-aminolevulinic acid (ALA) synthetase, which is the first and rate-limiting enzyme in heme biosynthesis (*160*). TCDD was thought to be a potent inducer of ALA activity in chick embryo liver (*115*). Goldstein et al. (*161*) reported that TCDD was found to induce ALA synthetase and hepatic prophyria in mice. These researchers stated that at that time [1973] TCDD was the most potent porphyrogenic chemical known. Poland and Kende 1976 (*4*) found that the duration of ALA induction from TCDD exposure is prolonged, most likely due to the long biological half-life of TCDD. These researchers also found that ALA synthetase inducers have halogen atoms occupying at least three of the four lateral ring positions (positions 2, 3, 7, and 8), and that there is at least one free, nonhalogenated ring position. TCDD fulfills all of these requirements.

2,4,5-T: Position Document 1

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**** PRODUCT SEARCH LISTING **** PAGE 1

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 000004 BONIDE CHEMICAL CO. INC.
2 HUNZ AVE.
YORKVILLE NY 13495

********** PRODUCT NAME **********

**001644* BONIDE KILBRUSH

REGISTRANT *NAME AND ADDRESS*

* 000100 BRULIN & COMPANY INC
PO BOX 270-B
INDIANAPOLIS IN 46206

********** PRODUCT NAME **********

**00049* LIQUIDATE CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 000140 THOMPSON-HAYWARD CHEMICAL COMPANY
DRX 2363
KANSAS CITY KS 66110

********** PRODUCT NAME **********

**00211* DE-WEEDER WEED-WEED LV-33

**00212* WEED-WEED LV-6 BRUSH KIL LOW VOLATILE ESTER

**00272* DE-WEEDER WEED-WEED AMINE-T AMINE SALT

**00431* WEED-WEED LV-9 BRUSH KIL

**00924* 2,4,5-T ISOOCTYL ESTER TECHNICAL

**** PRODUCT SEARCH LISTING **** PAGE 2

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000148

**01193* WEED-WEED AMINE-T AMINE SALT

**01204* WEED-WEED LV-6 BRUSH KIL

**01206* WEED-WEED LV 2-1 BRUSH KIL

REGISTRANT *NAME AND ADDRESS*

* 000160 WASATCH CHEMICAL DIVISION ENTRADA IND INC
P O BOX 0219
SALT LAKE CITY UT 84110

********** PRODUCT NAME **********

**00227* WASCO 2,4,5-T LOW VOLATILE ESTER WSB. E.C.

**00231* WASCO 2,4,5-T BUTYL ESTER RA E.C.(2,4,5-T EMUL.CONC.)

**00261* WASCO BRUSH KILLER LOW VOLATILE 2,4-D 2,4,5-T EMUL. C.

REGISTRANT *NAME AND ADDRESS*

* 000179 WOLF H M COMPANY
BOX 588
ALEXANDRIA VA 22300

********** PRODUCT NAME **********

**00064* BU-KIL K. U. BRUSH KILLER BKE-4

**00065* BU-KIL K. U. BRUSH KILLER BKE-6

**00067* BU-KIL K.U. BRUSH KILLER BKE- 2+2

**** PRODUCT SEARCH LISTING **** PAGE 3

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 000226 TOBACCO STATES CHEMICAL COMPANY
BOX 479
LEXINGTON KY 40501

********** PRODUCT NAME **********

**00124* TOBACCO STATES BRAND ESTER BRUSH KILLER 2-2

**00155* TOBACCO STATES BRAND LOW-VOL BRUSH KILLER 2-20

REGISTRANT *NAME AND ADDRESS*

* 000228 RIVERDALE CHEMICAL COMPANY
220 E 171H ST
CHICAGO HGTS IL 60411

********** PRODUCT NAME **********

**00015* RIVERDALE BRUSH KILLER 1 CONTAINS LOW VOLATILE 2,4,5-T+ 2,4,D

**00016* RIVERDALE WEEDESTROY 2,4,5-T

**00027* 2,4,5-T LOW VOLATILE ESTER

**00028* RIVERDALE BRUSH KILLER 2 ESTER

**00045* RIVERDALE BRUSH KILLER 2

**00075* RIVERDALE FORMULA 4 BRUSH KILLER

**00077* RIVERDALE 2,4,5-T AMINE BRUSH KILLER

**00078* WEEDESTROY 2,4,5-T ESTER 4

**00091* 2,4,5-T LV6

**00119* RIVERDALE BUTOXY 2,4,5-T LOW VOLATILE ESTER

**00120* RIVERDALE BUTOXY BRUSH KILLER 2 LOW VOLATILE ESTER

**** PRODUCT SEARCH LISTING **** PAGE 4

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

A 000239 CHEVRON CHEMICAL COMPANY
ORTHO DIVISION 940 HENSLEY WAY
RICHMOND CA 94801

********** PRODUCT NAME **********

**01256* ORTHO LV BRUSH KILLER TU-2

REGISTRANT *NAME AND ADDRESS*

* 000264 AMCHEM PRODUCT INC
BROOKSIDE AVE
AMBLER PA 19002

********** PRODUCT NAME **********

**00009* WEEDONE 2,4,5-T

**00010* WEEDONE BK 32

**00019* WEEDONE MA 64

**00021* WEEDONE I.B.K.

**00053* WEEDAR AMINE BK

**00062* WEEDAR 2,4,5-T

**00071* 2,4,5-T LOW VOLATILE ESTER BRUSH KILLER

**00073* 2,4-D-2,4,5-T LOW VOLATILE ESTER BRUSH KILLER

**00084* AMCHEM TRINOXOL

**00086* AMINE 2,4,5-T FOR RICE

**00089* WEEDONE 2,4,5-T SPECIAL AIR SPRAY FORMULA

**00103* AMCHEM DINOXOL

**** PRODUCT SEARCH LISTING **** PAGE 5

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000208

**000121* AMCHEM ENVERT-DT
**000123* AMCHEM ENVERT-T
**000128* AMCHEM TRINOXOL SUPER - 6
**000132* DINOXOL SUPER 6
**000161* AMCHEM EMULSAMINE 2,4,5-T
**000163* EMULSAMINE BK WOODY PLANT HERBICIDE
**000200* ASPLUNDH 1854-E BRUSHKILLER
**000208* EMULSAVER1 100
**000209* EMULSAVER1 240
**000234* TECHNICAL 2, 4, 5-T ESTER (FOR USE IN THE MANUFACTURE OF HERBICIDES)
**000288* KEEDONE IBK DOOR INHIBITED
**000269* ENVERT-DT
**000282* AMCHEM BK WOODY PLANT HERBICIDE
**000283* AMCHEM BK WOODY PLANT HERBICIDE
**000284* AMCHEM 2,4,5,-T WOODY PLANT HERBICIDE
**000286* AMCHEM 2,4,5-T WOODY PLANT HERBICIDE
**000287* KEEDONE 2,4,5ST WPPUY PLANT HERBICIDE DUOH INHIBITED
**000288* KEEDONE 2,4,5-T SPECIAL AIR SPRAY FORMULA

REGISTRANT *NAME AND ADDRESS*

* 000334 HYSAN CORPORATION
919 N 38TH ST
CHICAGO IL 60609

********** PRODUCT NAME **********

**** PRODUCT SEARCH LISTING **** PAGE 6

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000334

**000253* GCC 429
**000308* GCC-625

REGISTRANT *NAME AND ADDRESS*

* 000358 NOTT MANUFACTURING COMPANY INC
PLEASANT VALLEY NY 12569

********** PRODUCT NAME **********

**000094* NOTT'S POISON IVY KILLER

REGISTRANT *NAME AND ADDRESS*

* 000359 RHODIA INC, AGRICULTURAL DIVISION
P.O. BOX 125
MONMOUTH JUNCTION, NJ 08852

********** PRODUCT NAME **********

**000178* RHODIA 2,4,5-T LOW VOLATILE ESTER 4L
**000179* RHODIA LOW VOLATILE BRUSH KILLER NO. 2
**000412* RHODIA LOW VOLATILE BRUSH KILLER NO.3
**000413* RHODIA 2,4,5-T LOW VOLATILE ESTER 6L
**000540* UTILITY BRUSH KILLER NO. 4
**000569* CHIPMAN AMINE BRUSH KILLER
**000570* CHIPMAN AEROSOL SPECIAL MIXTURE NO. 1
**000580* RHODIA 2,4,5-T BUTOCTYL ESTER (TECHNICAL)

**** PRODUCT SEARCH LISTING **** PAGE 7

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000359

**000582* CHIPMAN 2,4-D AND 2,4,5-T ESTER MIX TECHNICAL
**000605* CHIPMAN D AND T MIX NO. 8
**000612* T & C LAWN WEED KILLER CONCENTRATE
**000615* SHIFT MIX NO. 1
**000616* SHIFT MIX NO. 2
**000645* VISKO-RHAP LOW VOLATILE ESTER 1D-1T FOR AIR APPLICATION
**000646* VISKO-RHAP LOW VOLATILE ESTER 1D-1T FOR GROUND APPLICATION
**000649* VISKO-RHAP OIL-SOLUBLE AMINE A-3T
**000651* VISKO-RHAP LOW VOLATILE ESTER 2T FOR GROUND APPLICATION
**000652* VISKO-RHAP LOW VOLATILE ESTER 2T FOR AIR APPLICATION
**000653* VISKO-RHAP M LOW VOLATILE 2 T
**000655* VISKO-RHAP LOW VOLATILE ESTER 3T

REGISTRANT *NAME AND ADDRESS*

* 000407 IMPERIAL INC
BOX 423
SHENANDOAH IA 51601

********** PRODUCT NAME **********

**003045* IMPERIAL LO-VOL SUPER BRUSH KILLER
**003046* IMPERIAL LO-VOL 2,4,5-T
**003065* IMPERIAL NO.4 LOW VOLATILE 2,4,5-T BRUSH AND WEED KILLER
**003066* IMPERIAL NO. 2 + 2 LOW VOLATILE BRUSH AND WEED KILLER

**** PRODUCT SEARCH LISTING **** PAGE 8

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 000413 DANIELS & SHORES CHEMICAL COMPANY
1400-02 ST LOUIS AVE
KANSAS CITY, MO 64101

********** PRODUCT NAME **********

**000023* PIONEER BRAND BRUSH KILLER NO. 23 BUTYL ESTER

REGISTRANT *NAME AND ADDRESS*

* 000449 HELENE CORPORATION
C/O REGULATORY AFFAIRS DEPT, FARMLAND IND., INC.
P. O. BOX 7305
KANSAS CITY, MO 64116

********** PRODUCT NAME **********

**000014* WOODKILL ESTER
**000028* WOOD-KILL CONCENTRATE (ESTER)
**000065* WOOD-KILL 4LB. BUTYL ESTER CONCENTRATE
**000126* LOW VOL 4 LB WOOD KILL
**000127* NO. 4 LOW VOLATILE 2,4,5-T
**000317* 2,4,5,-T 4LB BUTYL ESTER

REGISTRANT *NAME AND ADDRESS*

* 000464 DOW CHEMICAL U S A
PO BOX 1706
MIDLAND MI 48640

********** PRODUCT NAME **********

**** PRODUCT SEARCH LISTING **** PAGE 9

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000404

**00199* VELON 245
**00272* TIPPON T6 BRUSH AND WEED KILLER
**00273* TIPPON 2-3
**00289* VERTON CE WEED AND BRUSH KILLER
**00308* VERTON T HERBICIDE
**00351* BRUSH KILLER 4T
**00352* BRUSH KILLER 2-2
**00364* DOW TURDON 155 MIXTURE BRUSH KILLER
**00407* TURDON 225 MIXTURE HERBICIDE
**00422* VERTON 2T
**00491* 2,4,5-T BUTOXY ETHANOL ESTERS
**00492* 2,4,5-T BUTOXY PROPYL ESTERS
**00494* 2,4,5-T BUTYL ESTERS
**00495* 2,4,5-T ISOOCTYL ESTERS
**00527* DOW BRUSH KILLER X HERBICIDE
**00528* DOW BRUSH KILLER IX HERBICIDE

REGISTRANT	*NAME AND ADDRESS*
* 000470	STAUFFER CHEMICAL COMPANY LABELING & REGISTRATION 1200 SOUTH 47TH ST RICHMOND, CA 94804

*** PRODUCT NAME ***

**00000* 2,4,5-T TRIETHYLAMINE 4-S
**00023* 2,4-D-2,4,5-T AMINE 2-2 WS

**** PRODUCT SEARCH LISTING **** PAGE 10

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000470

**00901* 2,4-D--2,4,5-T ISOOCTYL ESTER 2-2E LOW VOLATILE BRUSH KILLER
**00906* 2,4,5-T ISOOCTYL ESTER 4-E LOW VOLATILE BRUSH KILLER
**00933* 2,4,5-T BUTYL ESTER 4-E
**00938* 2,4-D 2,4,5-T BUTYL ESTERS 1.33-.66-E
**00939* STAUFFER 2,4-D 2,4,5,-T BUTYL ESTERS 2-2-E EMULSIFIABLE LIQUID

REGISTRANT	*NAME AND ADDRESS*
* 000524	MONSANTO COMPANY AGRICULTURAL PRODUCTS 800 N. LINDBERGH BLVD. ST. LOUIS, MO 63166

*** PRODUCT NAME ***

**00047* 2,4,5-T ISOPROPYL ESTER TECHNICAL GRADE
**00067* TECHNICAL GRADE 2,4,5-T BUTYL ESTER
**00075* MONSANTO 2,4-D + 2,4,5-T BUTYL ESTER BRUSH KILLER
**00081* 2,4,5-T LOW VOLATILE ESTER BRUSH KILLER
**00095* D-61 MONSANTO 2,4,5-T ISOOCTYL ESTER
**00097* MONSANTO 2,4,5-T ESTER BRUSH KILLER
**00099* 2,4-D --2,4,5-T AMINE BRUSH KILLER
**00100* MONSANTO 2,4,5-T AMINE BRUSH KILLER
**00110* BRUSH-O-CIDE BRUSH KILLER
**00111* BRUSH BLITZ
**00149* 2,4-D/2,4,5-T MIXED ESTERS N-BUTYL AND ISOBUTYL
**00150* 2,4-D/2,4,5-T BUTYL ESTERS
**00254* 2,4-D/2,4,5-T LOW VOLATILE ESTER BRUSH KILLER (CODE34)

**** PRODUCT SEARCH LISTING **** PAGE 11

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000524

**00258* 2,4,5-T ISOBUTYL ESTER TECHNICAL GRADE

REGISTRANT	*NAME AND ADDRESS*
* 000551	BAIRD & MCGUIRE INC SOUTH ST HOLBROOK MA 02343

*** PRODUCT NAME ***

**00111* 4DT AMINE BRUSH KILLER
**00116* 4T AMINE BRUSH KILLER
**00157* 4T-ESTER BRUSH KILLER
**00158* 4DT-ESTER BRUSH KILLER
**00183* BRUSH KILLER (LOW VOLATILE EMULSIFIABLE CONCENTRATE) LV 3D/3T
**00184* BRUSH KILLER (LOW VOLATILE EMULSIFIABLE CONCENTRATE) LV-4T

REGISTRANT	*NAME AND ADDRESS*
* 000558	AGSCO INC BOX 458 GRAND FORKS ND 58201

*** PRODUCT NAME ***

**00056* AGSCO BRUSH KILLER

**** PRODUCT SEARCH LISTING **** PAGE 12

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT	*NAME AND ADDRESS*
* 000572	RUCKLAND CHEMICAL CO, INC. P.O. BOX 809 CALDWELL, NJ 07006

*** PRODUCT NAME ***

**00035* RUCKLAND BRUSH KILLER (ESTER FORM) LOW VOLATILE

REGISTRANT	*NAME AND ADDRESS*
* 000577	SHERWIN-WILLIAMS COMPANY 101 PROSPECT AVE NW CLEVELAND OH 44101

*** PRODUCT NAME ***

**00512* ACME POISON IVY KILLER

REGISTRANT	*NAME AND ADDRESS*
* 000632	MUTUAL DEALERS WHOLESALE INC 2361 HAMPDEN AVE ST PAUL MN 55114

*** PRODUCT NAME ***

**00022* NORTHRONE L V BRUSH KILLER

**** PRODUCT SEARCH LISTING **** PAGE 13

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT	*NAME AND ADDRESS*
* 000642	THOMPSON CHEMICALS CORP 23529 S FIGUEROA ST WILMINGTON CA 90744

PRODUCT NAME	
**000200*	TECHNICAL 2-ETHYLHEXYL ESTER OF 2,4,5-T
**000203*	TECHNICAL N-BUTYL ESTER OF 2,4,5-T

REGISTRANT	*NAME AND ADDRESS*
* 000677	DIAMOND SHAMROCK CORP. AGRICULTURAL CHEM. DIVISION A UNIT OF DIAMOND SHAMROCK CORP 1100 SUPERIOR AVE CLEVELAND OH 44114

PRODUCT NAME	
**000095*	LINE WIDEN 22 BRUSH KILLER
**000097*	LINE WIDEN 4T BRUSH KILLER
**001V2*	LINE WIDEN LV 3D/3T BRUSH KILLER
**000103*	BRUSH KILLER DURHAM CANE LV 3D/3T-DS
**001004*	DURHAM CANE CONCENTRATE LV-61-DS
**001135*	LINE WIDEN AMINE 4T BRUSH KILLER
**001340*	FENCE WIDEN 61 BRUSH KILLER
**001141*	LINE WIDEN LV-21 BRUSH KILLER
**001172*	LINE WIDEN INVERT T CONCENTRATE
**001174*	LINE WIDEN INVERT D/T CONCENTRATE
**001145*	DALAMINE 4T BRUSH KILLER

**** PRODUCT SEARCH LISTING **** PAGE 14

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000677

**000190*	DACAMINE 20/21
**000238*	THALMAT 20/21 DIAMINE SALT OF 2,4-D & 2,4,5-T
**000247*	TECHNICAL 2-ETHYLHEXYL-T (2,4,5-T)
**000248*	TECHNICAL ISOPROPYL-T (2,4,5-T)
**000250*	TECHNICAL BUTYL-T (2,4,5-T)
**000253*	TECHNICAL ISOOCTYL-T (2,4,5-T)
**000273*	THALMAT 4T CONTAINS 4.0 POUNDS 2,4,5-T ACID EQUIVALENT PER GALLON
**000297*	AMINE 20/21
**000301*	LO-VOL 20/21
**000303*	LO-VOL-6T
**000306*	LO-VOL 4T
**000324*	DIAMOND SHAMROCK BRUSH KILLER LO-VOL 20/21
**000325*	DIAMOND SHAMROCK BRUSH KILLER 6P LO-VOL 4T

REGISTRANT	*NAME AND ADDRESS*
* 000746	NFA OIL CO P.O. BOX 519 COLUMBIA MO 65201

PRODUCT NAME	
**000050*	M.F.A. LO-V 2,4,5-T
**000051*	M.F.A. 2,4,5-T BUTYL ESTER
**000052*	M.F.A. LO-V SUPER BRUSH KILL
**000053*	M.F.A. SUPER BRUSH KILL (BUTYL ESTER)
**001108*	M.F.A. AERIAL ESTER NO. 42

**** PRODUCT SEARCH LISTING **** PAGE 15

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT	*NAME AND ADDRESS*
* 000802	LILLY CHAS H COMPANY MILLER RD DIV 7737 N.E. KILLINGSWORTH PORTLAND, OR 97218

PRODUCT NAME	
**001128*	MILLER'S 2,4,5-T AMINE 4
**001181*	MILLER'S LV BRUSH KILLER
**001184*	MILLER LV 2,4,5-T ESTER
**000229*	MILLER'S BLACKBERRY & BRUSH KILLER
**000329*	MILLER'S LV 2,4,5-T ESTER BE
**000520*	MILLER'S LV BRUSHKILLER D
**000523*	MILLER'S LV 2,4,5-T ESTER FOUR BP
**000529*	MILLERS BRUSH KILLER

REGISTRANT	*NAME AND ADDRESS*
* 000876	VELSICOL CHEMICAL CORP 341 EAST OHIO STREET CHICAGO IL 60611

PRODUCT NAME	
**001169*	BANVEL 510 DIL SOLUBLE INDUSTRIAL HERBICIDE
**001176*	BANVEL - 710
**001179*	BANVEL - 520 WATER SOL IND HERBICIDE FOR BRUSH & BROADLEAF WE
**000180*	BANVEL 510 DIL SOL INDUS.HERB. FOR BRUSH AND BROADLEAF WEED CONTRO
**002140*	VELSICOL VEGAIRUL A 20-21 HERBICIDE FOR BRUSH CONTROL

**** PRODUCT SEARCH LISTING **** PAGE 16

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 000876

**002160*	VELSICOL VEGAIRUL LV-20-21 HERBICIDE FOR BRUSH CONTROL
**002190*	VELSICOL VEGAIRUL BE-20-21 HERBICIDE FOR BRUSH CONTROL
**002200*	VELSICOL VEGAIRUL BE-4T HERBICIDE FOR BRUSH CONTROL
**002260*	VELSICOL VEGAIRUL D-61 HERBICIDE FOR BRUSH CONTROL
**002280*	VELSICOL VEGAIRUL LV-4T HERBICIDE FOR BRUSH CONTROL
**002290*	VELSICOL VEGAIRUL LV-6T HERBICIDE FOR BRUSH CONTROL
**002300*	VELSICOL VEGAIRUL D-4T HERBICIDE FOR BRUSH CONTROL
**002310*	VELSICOL VEGAIRUL A-4T HERBICIDEFOR BRUSH CONTROL

REGISTRANT	*NAME AND ADDRESS*
* 000912	FARMERS UNION CENTRAL EXCHANGE INC POST OFFICE BOX "64" ST PAUL MN 55165

PRODUCT NAME	
**000050*	CO-OP BRUSH KILLER LV 262 BRUSH AND WEED KILLER

REGISTRANT	*NAME AND ADDRESS*
* 001145	AMOCO OIL CO. 200 E. RANDOLPH DR. CHICAGO IL 60601

PRODUCT NAME	
**000016*	AMOCO BRUSH KILLER
**000029*	AMOCO 2, 4, 5-T LV ESTER FOR BRUSH CONTROL

**** PRODUCT SEARCH LISTING **** PAGE 17

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 001145

**000079* AMOCO 2,4,5-T AMINE

REGISTRANT *NAME AND ADDRESS*

* 001180 MIDLAND COUP INC
2021 EAST HENNEPIN AVE
MINNEAPOLIS MN 55413

********** PRODUCT NAME **********

000017* MIDLAND 50-50 * LOW VOLATILE BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 001200 U.S. EAGLE, INC.
P.O. BOX 59031
DALLAS, TX 75229

********** PRODUCT NAME **********

**000026* EAGLE BRUSH KILL 2,4,5-T SOLUTION

REGISTRANT *NAME AND ADDRESS*

* 001222 INDIANA FARM BUREAU COUP ASSN INC
47 SO PENNSYLVANIA ST
INDIANAPOLIS IN 46204

********** PRODUCT NAME **********

**000034* COUP CONCENTRATED 2,4,5-T

**000044* CO-UP LONG CHAIN LOW VOLATILE FOUR POUND BRUSH KILLER

**** PRODUCT SEARCH LISTING **** PAGE 18

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 001258 JLIN CHEMICALS
JLIN CORPORATION
120 LONG RIDGE ROAD
STAMFORD, CT 06904

********** PRODUCT NAME **********

**000105* LV ESTER 22 BRUSH KILLER

**000107* LV ESTER 4T BRUSH KILLER

**002306* MATHIESON BUTYL ESTER 22 BRUSH KILLER

**002601* MATHIESON BUTYL ESTER 74 BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 001269 DEMITT CHEMICAL COMPANY
BOX 343
ATLANTA GA 30301

********** PRODUCT NAME **********

**000033* DE MITT 5-77 WEED KILLER

**000104* DEMITT NO. 170 BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 001270 ZEP MANUF CORP
BOX 2015
ATLANTA GA 30301

********** PRODUCT NAME **********

**000055* ZEP M-61 WEED KILLER

**** PRODUCT SEARCH LISTING **** PAGE 19

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 001270

**000125* ZEP 8-70 BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 001381 LAND O'LAKES C/O IMPERIAL INC
PO BOX 423
SHENANDOAH IA 51601

********** PRODUCT NAME **********

**000020* FELCO SUPER BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 001386 UNIVERSAL COOPERATIVES INC
PO BOX 636
ALLIANCE OH 44601

********** PRODUCT NAME **********

**000028* BRUSH KILLER

**000056* UNICO LO-V BRUSH KILLER CONTAINS 2,4-D AND 2,4,5-T LOW VOLATILE ES

**000057* UNICO 2,4,5-T LO-V ESTER BRUSH KILLER

**000556* UNICO LO V BRUSH KILLER 1-2

**** PRODUCT SEARCH LISTING **** PAGE 20

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 001685 STATE CHEMICAL MFG CO THE
3100 HAMILTON AVE
44114

********** PRODUCT NAME **********

**000041* FORMULA 888 BRUSH-KIL SELECTIVE WEED AND BRUSH KILLER

**000048* FORMULA 220 BRUSH KIL SELECTIVE WEED & BRUSH KILLER

**000078* FORMULA 220-A BRUSH-KIL

REGISTRANT *NAME AND ADDRESS*

* 001709 NATIONAL CHEMSEARCH DIV
USACHEM INC
2727 CHEMSEARCH BLVD
IRVING TX 75060

********** PRODUCT NAME **********

**000100* CHEMSEARCH CHEMESTER 123

REGISTRANT *NAME AND ADDRESS*

* 001772 MILDER CORP THE
1421 FIFTH AVE
HUNTINGTON WV 25702

********** PRODUCT NAME **********

**000072* CHEMFORM BRAND BUTOXY BRUSH KILLER

**** PRODUCT SEARCH LISTING **** PAGE 21

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 001926 NAVY BRAND MFG COMPANY
5111 BN AVE
ST LOUIS MO 63110

********** PRODUCT NAME **********

**00010* NAB-(5

REGISTRANT *NAME AND ADDRESS*

* 001969 PARSONS CHEMICAL
BOX 166
GRAND LEDGE MI 48837

********** PRODUCT NAME **********

**00071* PURSON IVY & BRUSH KILLER #2

REGISTRANT *NAME AND ADDRESS*

* 001990 FARMLAND IND., INC.
C/O REGULATORY AFFAIRS DEPT.
P. O. BOX 7305
KANSAS CITY, MO 64116

********** PRODUCT NAME **********

**00100* CO-OP WEED-OUT (2,4,5-T LOW VOLATILE ESTER 4 POUNDS)

**00101* CO-OP WEED-OUT BRUSH KILLER LOW VOLATILE

**00106* WEED-OUT 2,4,5-T BUTYL ESTER

**00227* COOP WEED OUT (BRUSH KILLER BUTYL ESTER)

**** PRODUCT SEARCH LISTING **** PAGE 22

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 002124 GRACE W R & COMPANY AGR CHEM C H TIDWELL
PO BOX 277 100 N MAIN ST
MEMPHIS TN 38101

********** PRODUCT NAME **********

**00037* NACU LOW VOLATILE 20 - 2T

**00705* NACU 2,4,5-T LOW VOLA BRUSH KILLER-4T CONT 4 LBS 2,4,5-T GAL

REGISTRANT *NAME AND ADDRESS*

* 002155 SCHNEIDI,INC.
1429 FAIRMUNT AVE N W
ATLANTA GA 30318

********** PRODUCT NAME **********

**00045* FORMULA 400 BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 002169 PATTERSON CHEMICAL COMPANY INC
1400 UNION AVE
KANSAS CITY, MO 64101

********** PRODUCT NAME **********

**00069* PATTERSON'S BRUSH KILLER NO. 200

**** PRODUCT SEARCH LISTING **** PAGE 23

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 002217 PBI-GORDON CORPORATION
300 SW 3RD ST
KANSAS CITY KS 66118

********** PRODUCT NAME **********

**00074* LV BRUSH KILLER

**00078* LOW VOLATILE NO. 400 2,4,5-T ESTER WEED KILLER

**00094* SUPER BRUSH KILLER NO. 400 BUTYL

**00100* BUTYL ESTER 400 2,4,5-T BRUSH KILLER

**00558* 2,4,5-T AMINE

REGISTRANT *NAME AND ADDRESS*

* 002342 KERR-MCGEE CHEMICAL CORP
AGR PKG & LABELING
KERR-MCGEE CENTER
OKLAHOMA CITY OK 73102

********** PRODUCT NAME **********

**00838* PURSON IVY KILLER

REGISTRANT *NAME AND ADDRESS*

* 002393 HOPKINS AGRI. CHEMICAL CO.
P.O. BOX 7532
MADISON, WI 53707

********** PRODUCT NAME **********

**00309* LOW VOLATILE 2-2 BRUSH KILLER

**** PRODUCT SEARCH LISTING **** PAGE 24

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 002518 BARTLETT F A TREE EXPERT COMPANY
2770 SUMMER ST
STAMFORD CT 06904

********** PRODUCT NAME **********

**00008* BAR-(1)-VERT COMPONENT A.

REGISTRANT *NAME AND ADDRESS*

* 002737 PUEBLO CHEMICAL & SUPPLY COMPANY
BOX 1279 - 2200 W. ST. JOHN
CAMDEN CITY, KS 67640

********** PRODUCT NAME **********

**00012* PUEBLO 4 LB. BRUSH KILLER

**00033* PUEBLO BRUSH KILLER LOVOL 20/2T

REGISTRANT *NAME AND ADDRESS*

* 002738 STULL CHEM COMPANY
1006 PAULSUM DRIVE
SAN ANTONIO, TX 78219

********** PRODUCT NAME **********

**00045* INSTEMUL UTA 66

**** PRODUCT SEARCH LISTING **** PAGE 25

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 003635 OXFORD CHEMICALS
PO BOX 80202
ATLANTA GA 30341

********** PRODUCT NAME **********

**000039* OXFORD 4K-82 LOW-VOLATILE HERBICIDE FOR CONTROLLING WOODY PLANTS

REGISTRANT *NAME AND ADDRESS*

* 003770 ECONOMY PROD COMPANY
BOX 237
NOSPERS, IA 51238

********** PRODUCT NAME **********

**000013* NO. 2 & 2 BRUSH KILLER

**000098* ECONOMY 2,4,5-T BUTYL ESTER 4E

REGISTRANT *NAME AND ADDRESS*

* 004185 SMITH-DOUGLASS DIV.
BORDEN CHEMICAL, BORDEN INC.
5100 VIRGINIA BEACH BLVD.
NORFOLK, VA 23501

********** PRODUCT NAME **********

**001240* SMITH-DOUGLASS MANGLE BRUSH KILLER

**001260* SMITH-DOUGLASS 2,4,5-T LOW VOLATILE ESTER BRUSH KILLER

**** PRODUCT SEARCH LISTING **** PAGE 26

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 004715 COLUMBIA INTERNATIONAL CORP
7800 MARBLE N.E.
ALBUQUERQUE, N.M. 87110

********** PRODUCT NAME **********

**000173* BEST 4 SERVIS BRAND LO-VOL BRUSH KILLER

**000174* BEST 4 SERVIS BRAND LO-VOL 2,4,5-T BRUSH KILLER

**000182* BEST 4 SERVIS BRAND BUTYL ESTER 400 2,4,5-T BRUSH KILLER

**000246* BUTYL BRUSH KILLER 3-3

REGISTRANT *NAME AND ADDRESS*

* 004828 ABCO INC
230 INDUSTRY BLVD
SOUTH HUNTINGTON, PA 15642

********** PRODUCT NAME **********

**000037* H. A. - 0T 135

**000063* ABCO AKS-65 BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 004917 REUEL LITTLE TREE INJECTION COMPANY
BOX 288
MADILL OK 73446

********** PRODUCT NAME **********

**000002* REUEL LITTLE TREE INJECTION FLUID FORMULA NO. 2

**** PRODUCT SEARCH LISTING **** PAGE 27

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 004931 GOOD-LIFE CHEMICALS INC
BOX 687
EFFINGHAM IL 62401

********** PRODUCT NAME **********

**000086* GOOD-LIFE 2-2 LOW VOLATILE BRUSH KILLER ISOCTYLESTER 2,4-D-2,4,5-T

**000087* GOOD-LIFE 4 LB. 2,4,5-T LOW VOLATILE BRUSH KILLER

**000089* GOOD-LIFE 4 LB. 2,4,5-T BRUSH KILLER BUTYL

REGISTRANT *NAME AND ADDRESS*

* 005905 HELENA CHEMICAL CO
CLARA TOWER, 5100 POPLAR AVE, SUITE 2900
MEMPHIS TN 38137

********** PRODUCT NAME **********

**000704* HELENA 20-21 BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 006294 COMET MANUFACTURING COMPANY
1381 DALTON DRIVE N E
ATLANTA GA 30306

********** PRODUCT NAME **********

**000018* COM-O-BRUSH LV 20-10 LOW VOLATILE ISOOCTYL ESTER OF 2,4,5-T AND 2,4-D

**000019* COM-O-BRUSH ISOCTYL BRN KLR 5LV LOW VOL ISOIL ESTR 2,4,5-TE,2,4-D

**** PRODUCT SEARCH LISTING **** PAGE 28

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 006720 SOUTHERN MILL CREEK PRODUCTS COMPANY INC
BOX 1046
TAMPA FL 33601

********** PRODUCT NAME **********

**000112* SMCP SPECIAL ESTER LV D & T

REGISTRANT *NAME AND ADDRESS*

* 006762 STERN CHEM CORP
BOX 5070
MONROE LA 71202

********** PRODUCT NAME **********

**000010* WEEDEX 130 LOW VOLATILE ESTER WEED GRASS AND BRUSH KILLER

**000021* WEEDEX-65 LOW VOLATILE ESTER WEED GRASS & BRUSH KILLER

**000032* 2,4,5-T TREE KILLER

REGISTRANT *NAME AND ADDRESS*

* 006900 DILL J J COMPANY
BOX 788
KALAMAZOO MI 49005

********** PRODUCT NAME **********

**000073* DILL 2,4,5-T LOW VOLATILE ESTER 4L BRUSH AND WEED KILLER

**** PRODUCT SEARCH LISTING **** PAGE 29

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 007273 CROWN CHEMICAL INCORPORATED
4995 NORTH MAIN STREET
ROCKFORD IL 61101

********** PRODUCT NAME **********

**00062* BRUSH OFF 4-T AMINE BRUSH KILLER
**00066* BRUSH-OFF D & T BRUSH KILLER
**00077* BRUSH-OFF 2-2-LV BRUSH KILLER
**00083* WEED AND BRUSHOFF AMINE FORMULA 400
**00088* BRUSH-OFF LOW VOLATILE BRUSH & WEED KILLER
**00091* BRUSH-OFF 2-2 AMINE BRUSH KILLER

REGISTRANT *NAME AND ADDRESS*

* 008125 MILLER FRANK & SONS INC
13831 SO EMERALD AVE
CHICAGO IL 60627

********** PRODUCT NAME **********

**00032* BRUSH & WEED KILLER TO CONTROL BROADLEAF WEEDS & WOOD PLANTS

REGISTRANT *NAME AND ADDRESS*

* 008825 NABCO INC
10501 WAYZATA BLVD, SUITE 101
HOPKINS, MN 55343

********** PRODUCT NAME **********

**** PRODUCT SEARCH LISTING **** PAGE 30

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 008825

**00050* NABCO LV-VOL 2D/2T
**00051* NABCO LV-VOL 4T

REGISTRANT *NAME AND ADDRESS*

* 009349 PRECISION LABORATORIES INC
PO BOX 127
NORTHBROOK IL 60062

********** PRODUCT NAME **********

**00005* LIQUI-DATE BRUSH KILLER (ESTER FORM)

REGISTRANT *NAME AND ADDRESS*

* 009650 RANGE ENV DEV CORP
FORT MCKAVETT TX 76841

********** PRODUCT NAME **********

**00001* FLAMICIDE NO. 100 BRUSH & WEED KILLER

REGISTRANT *NAME AND ADDRESS*

* 009779 RIVERSIDE CHEM COMPANY
P.O. BOX 171199 855 RIDGE LAKE BLVD
MEMPHIS TN 38117

********** PRODUCT NAME **********

**00122* RIVERSIDE HERBICIDE LOW VOLATILE 4T

**** PRODUCT SEARCH LISTING **** PAGE 31

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 009779

**00123* RIVERSIDE HERBICIDE LOW VOLATILE 2-D-2T
**00124* RIVERSIDE HERBICIDE A-61 2,4,5-T

REGISTRANT *NAME AND ADDRESS*

* 010088 ATHEA LABORATORIES INC
4180 N FIRST ST
MILWAUKEE WI 53212

********** PRODUCT NAME **********

**00008* LYBA KILLS BROADLEAF WEEDS AND WOODY PLANTS LOW VOLATILE SELECTIVE
**00009* WEED & BRUSH KILLER NO. 2
**00810* 2,4,5-T LOW VOLATILE ESTER BRUSH AND WEED KILLER

REGISTRANT *NAME AND ADDRESS*

* 010272 HUNTER DIV. OF USA CHEMICAL INC.
P.O. BOX22263
IRVING TX 75222

********** PRODUCT NAME **********

**00006* HUNTER MAN WEED X-40

**** PRODUCT SEARCH LISTING **** PAGE 32

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 010345 LIFETIME INTERNATIONAL CORPORATION
7525 BESSEMER AVE
CLEVELAND OH 44127

********** PRODUCT NAME **********

**00002* OLD GARDENER WEED'N FEED

REGISTRANT *NAME AND ADDRESS*

* 011515 AMC CHEMICAL CORPORATION
17000 W. EIGHT MILE ROAD
SOUTHFIELD, MI 48075

********** PRODUCT NAME **********

**00056* TWIN ESTERS KILLS WOODY PLANTS LOW VOLATILITY

REGISTRANT *NAME AND ADDRESS*

* 033330 FOMAGE UNLIMITED
PO BOX 7346 MOBERLY AVE STATION
LONGVIEW TX 75601

********** PRODUCT NAME **********

**00001* SIFUN RANGELAND BRUSH SPRAY OLV 4D-2T
**00005* FUMAGE UNLIMITED INDUSTRIAL BRUSH SPRAY OLV 3D-3T

**** PRODUCT SEARCH LISTING **** PAGE 33

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

REGISTRANT *NAME AND ADDRESS*

* 039128 ENVIRONMENTAL PROCESS RESEARCH
RIVER OAKS BANK TOWER
2000 KIRBY SUITE 614
HOUSTON, TX 77019

********** PRODUCT NAME **********

**000001* BEST 'N SERVIS BRAND BUTYL BRUSH KILLER 2-2

**000002* BEST 'N SERVIS BRAND BRUSH & RANGE CLEAR 3-3

**000003* BEST 'N SERVIS BRAND BRUSH & RANGE CLEAR 4-4

REGISTRANT *NAME AND ADDRESS*

* 039511 VERTAC, INC.
STE. 3200 OLARK TOWER
5100 POPLAR AVE.
MEMPHIS, TN 38137

********** PRODUCT NAME **********

**000016* BRUSH-RHAP AMINE A-2D-2T HERBICIDE

**000017* BRUSH-RHAP A-4T HERBICIDE 2,4,5-T AMINE

**000018* BRUSH-RHAP B B-4T HERBICIDE 2,4,5-T

**000019* BRUSH-RHAP BUTYL ESTER B-4T HERBICIDE,2,4,5-T

**000021* BRUSH-RHAP BUTYL-2D-2T HERBICIDE

**000022* BRUSH-RHAP LV-6T HERBICIDE 2,4,5-T

**000023* BRUSH-RHAP LV-5T HERBICIDE 2,4,5-T

**000024* BRUSH-RHAP LV-4T HERBICIDE

**000025* BRUSH-RHAP LV DXY-5T HERBICIDE

**000026* BRUSH-RHAP LV DXY-4T HERBICIDE

**** PRODUCT SEARCH LISTING **** PAGE 34

10/03/77 FEDERALLY REGISTERED PRODUCTS CONTAINING 2,4,5-T ESTERS/SALTS

**CONTINUE REGISTRANT 039511

**000027* BRUSH-RHAP LV DXY-6T HERBICIDE

**000028* BRUSH-RHAP LV DXY 3D-3T HERBICIDE

**000029* BRUSH-RHAP LV DXY-2D-2T HERBICIDE

**000030* BRUSH-RHAP LV 3D-5T HERBICIDE

**000032* BRUSH-RHAP LV-2D-2T HERBICIDE

**000033* BRUSH-RHAP JLV 2D-2T HERBICIDE

**000034* BRUSH-RHAP JLV-4T HERBICIDE

**000035* BRUSH-RHAP JLV-6T HERBICIDE

**000036* BRUSH-RHAP JLV 3D-3T HERBICIDE

**000050* AMINE DA-1.5D-1.5T HERBICIDE

**000051* TRANSAMINE DA-3T HERBICIDE 2,4,5-T OIL SOLUBLE AMINE

**000053* 2,4,5-T BUTYL ESTER

**000054* 2,4,5-T LOW VOLATILE ESTER

**000055* 2,4,5-T LOW VOLATILE OXY-ESTER

**** PRODUCT SEARCH LISTING **** PAGE 1

10/03/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 2,4,5-T ESTERS/SALT

REGISTRANT *NAME AND ADDRESS*

* 000148 THOMPSON-HAYWARD CHEMICAL COMPANY
BOX 2383
KANSAS CITY KS 66110

********** PRODUCT NAME **********

**10180* DED-WEED LV-9

**10181* DED-WEED LV-33

**10182* DED-WEED LV-6

REGISTRANT *NAME AND ADDRESS*

* 000264 AMCHEM PRODUCT INC
BROOKSIDE AVE
AMBLER PA 19002

********** PRODUCT NAME **********

**10178* ENVERT DT

**10179* ENVERT DT

REGISTRANT *NAME AND ADDRESS*

* 000464 DOW CHEMICAL U S A
PO BOX 1706
MIDLAND MI 48640

********** PRODUCT NAME **********

**08119* MESQUITE T HERBICIDE

**08120* TORDON SPECIAL LV 225 HERBICIDE

**** PRODUCT SEARCH LISTING **** PAGE 2

10/03/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 2,4,5-T ESTERS/SALT

**CONTINUE REGISTRANT 000464

**08121* TORDON 225E HERBICIDE

**08122* TORDON 225 MIXTURE HERBICIDE

REGISTRANT *NAME AND ADDRESS*

* 000557 SWIFT AGRICULTURAL CHEMICAL
CORP.
111 WEST JACKSON BOULEVARD
CHICAGO, IL 60604

********** PRODUCT NAME **********

**09482* SWIFTS GOLD BEAR BRUSH KILL 22

**09483* SWIFTS GOLD BEAR BRUSH KILL 55

REGISTRANT *NAME AND ADDRESS*

* 000876 VELSICOL CHEMICAL CORP
341 EAST OHIO STREET
CHICAGO IL 60611

********** PRODUCT NAME **********

**07819* BANVEL 2+2 HERBICIDE FOR PASTURE,RANGELAND GRASSES AND NONCROPLAN

**07934* BANVEL 2+2 HERBICIDE

**07943* BANVL 2+2 HERBICIDE

**** PRODUCT SEARCH LISTING **** PAGE 3

10/03/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 2,4,5-T ESTERS/SALT

REGISTRANT	*NAME AND ADDRESS*
* 003286	ZERO STAFFEL CO. P.O. BOX 2360 SAN ANTONIO TX 78298

********** PRODUCT NAME **********

**080600* STAFFEL'S 2,4,5,-T

**10172* STAFFEL'S BRUSH KILLER NO.32

REGISTRANT	*NAME AND ADDRESS*
* 003579	BROWN CHEMICAL CORPORATION P O BOX 48 HONOLULU, HI 96810

********** PRODUCT NAME **********

**03279* ULTRAMAR LV-BR

REGISTRANT	*NAME AND ADDRESS*
* 010827	INDUSTRIAL SOLVENTS PO BOX 312 SAN MARCUS TX 78666

********** PRODUCT NAME **********

**03424* IND-SOL 100

**** PRODUCT SEARCH LISTING **** PAGE 4

10/03/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 2,4,5-T ESTERS/SALT

REGISTRANT	*NAME AND ADDRESS*
* 011605	HOMCO INC 11827 SAUSDUCHES ROAD SAN ATONIO TX 78217

********** PRODUCT NAME **********

**10171* BURCHEM BRUSH CONTROL MIXTURE T

REGISTRANT	*NAME AND ADDRESS*
* 025203	AMERICAN NATION COMP P.O. BOX 606 LONGMONT, CO 80501

********** PRODUCT NAME **********

**10595* QUICK KILL 400 WEED KILLER LIQUID

REGISTRANT	*NAME AND ADDRESS*
* 037347	UNI-CHEM CORP. OF FLORIDA BOX 6330 - 2801 N.W. 55TH CT. FT. LAUDERDALE, FL 33310

********** PRODUCT NAME **********

**03120* UNI CHEM BRUSH AND WEED KILLER

**** PRODUCT SEARCH LISTING **** PAGE 5

10/03/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 2,4,5-T ESTERS/SALT

REGISTRANT	*NAME AND ADDRESS*
* 037351	COLORADO CHEMICAL & FERT. CO. INC. ROUTE 1, BOX 2548 LONGMONT, CO 80501

********** PRODUCT NAME **********

**05523* COLORADO'S OWN SPOT GRASS KILLER

[FR Doc. 78-10340 Filed 4-20-78; 8:45 am]

federal register

FRIDAY, APRIL 21, 1978
PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitations as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AR77-4173	Aug. 19, 1977.
AR77-4287; AR77-4288	Sept. 30, 1977.
AR77-4290	Nov. 11, 1977.
California:	
CA78-5002	Feb. 24, 1978.
Colorado:	
CO77-5081; CO77-5082; CO77-5083; CO77-5084.	Sept. 23, 1977.
Connecticut:	
CT78-3004	Feb. 17, 1978.
Indiana:	
IN78-2025; IN78-2030; IN78-2032; IN78-2033.	Mar. 10, 1978.
IN78-2029; IN78-2051; IN78-2052	Mar. 24, 1978.
Kentucky:	
KY78-1108	Aug. 26, 1977.
Louisiana:	
LA78-4001	Jan. 6, 1978.
Maryland:	
MD77-3080	June 24, 1977.
Mississippi:	
MS78-1014	Feb. 17, 1978.
New Mexico:	
NM78-4012	Feb. 10, 1978.
Virginia:	
DC78-3008	Mar. 17, 1978.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedea's Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL76-1125 (AL78-1041)	Oct. 29, 1976.
Massachusetts:	
MA77-3062 (MA78-3022)	July 22, 1977.
MA77-3064 (MA78-3024); MA77-3073 (MA78-3033).	Sept. 16, 1977.
MA77-3069 (MA78-3029)	Oct. 7, 1977.
MA77-3071 (MA78-3031)	Aug. 22, 1977.
Montana:	
MT77-5073 (MT78-5022)	July 22, 1977.
New Jersey:	
NJ77-3093 (NJ78-3009)	July 8, 1977.
Pennsylvania:	
PA76-3165 (PA78-3037)	Apr. 7, 1976.
South Dakota:	
SD77-5079 (SD78-5023)	Sept. 23, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this 14th day of April 1978.

DOROTHY P. COME,
Acting Assistant Administrator, Wage and Hour Division.

DECISION NO. AR77-4173 - Mod. #7 (42 FR 42063 - August 19, 1977) Jefferson County, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
PLUMBERS:					
0 to 9 miles from Jefferson County Courthouse	$ 9.70	.55	.50		.10
9 to 45 miles from Jefferson County Courthouse	10.35	.55	.50		.10
45 miles and over from Jefferson County Courthouse	10.90	.55	.50		.10
MARBLE, TERRAZZO & TILE WORKERS	8.25				
MARBLE, TERRAZZO & TILE FINISHERS	5.80				
SPRINKLER FITTERS	10.57	.75	1.05		.08
PAINTERS:					
Painters, paperhangers & steam cleaners, sheetrock finishers & wall cover hangers	8.25		.40		.02
Spray gun operators and sand blasterers	8.85		.40		.02
All skelton steel and all work on stages, structural steel over 30 feet high	8.50		.40		.02
DECISION NO. AR77-4285 - Mod. #6 (42 FR 52898 - September 30, 1977) Garland, Hot Springs and Clark Counties, Arkansas					
CHANGE:					
SPRINKLER FITTERS	10.57	.75	1.05		.08
DECISION NO. AR77-4286 - Mod. #6 (42 FR 52900 - September 30, 1977) Union & Ouachita Counties, Arkansas					
CHANGE:					
SPRINKLER FITTERS	10.57	.75	1.05		.08

DECISION NO. AR77-4287 - Mod. #7 (42 FR 52903 - September 30, 1977) Pulaski County, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LINE CONSTRUCTION:					
Linemen	$11.60		3%		3/8%
Cable splicers	11.725		3		
Operator	11.60		3%		3/8%
MARBLE, TILE & TERRAZZO WORKERS	8.25				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	8.25		.40		.02
Spray gun operators and sand blasterers	8.85		.40		.02
All skelton steel and all work on stages, structural steel over 30 feet high	8.50		.40		.02
SPRINKLER FITTERS	10.57	.75	1.05		.08
DECISION NO. AR77-4288 - Mod. #5 (42 FR 52901 - September 30, 1977) Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
SPRINKLER FITTERS	10.57	.75	1.05		.08
DECISION NO. AR77-4290 - Mod. #5 (42 FR 58924 - Nobember 11, 1977) Conway, Van Buren, Perry and Cleburne Counties, Arkansas					
CHANGE:					
BRICKLAYERS & STONEMASONS	8.85	.40	.35		.04
MARBLE, TILE & TERRAZZO WORKERS	8.25				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	8.25		.40		.02
Spray gun operators and sand blasterers	8.85		.40		.02
All skelton steel and all work on stages, structural steel over 30 feet high	8.50		.40		.02
SPRINKLER FITTERS	10.57	.75	1.05		.08

MODIFICATIONS P. 3

DECISION NO. CA78-5002 - Mod. #1
(42 FR 7881 - February 24, 1978)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Medera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solono, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Alameda County					
(Rehabilitation on residential structures defined to include all work, including demolition, repair and alteration, on any existing structure which is intended for residential use only)					
Bricklayers	$10.04	1.35	1.25		.25
Carpenters	9.36	1.35	1.71	1.00	.07
Cement Masons	8.40	1.30	1.68	1.65	.05
Drywall Finishers	9.22	1.22	1.71	.75	.07
Electricians	11.13	1.30	3%+1.65		.069
Ironworkers	9.24	1.24	2.22	1.46	.06
Laborers	7.02	1.24	1.70	1.10	.10
Lathers	9.09	1.09	1.26		.025
Painters	9.85	1.10	1.50	.80	.06
Plasterers	8.08	.745	1.05		.12
Plumbers	10.48	.83	1.55		.12

MODIFICATIONS P. 4

DECISION NO. CA78-5002 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers	$8.75	1.17	1.10	.60	.04
Tile Setters	9.60	.98	1.20	1.40	.095
POWER EQUIPMENT OPERATORS (AREAS I and II)					
RESIDENTIAL CONSTRUCTION					
Group 3:					
Rodman or Chainman:					
Area I	9.73	1.58	2.25	1.00	.29
Area II	11.24	1.58	2.25	1.00	.29
Group 7:					
Area I	10.87	1.58	2.25	1.00	.29
Area II	12.38	1.58	2.25	1.00	.29

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CO77-5081-Mod. #2 (42 FR 48610-September 23, 1977) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado					
Change:					
Sprinkler Fitters	12.10	.75	1.05		.08
DECISION NO. CO77-5082-Mod. #2 (42 FR 48617-September 23, 1977) El Paso County, Colorado					
Change:					
Sprinkler Fitters	12.10	.75	1.05		.08
DECISION NO. CO77-5083-Mod. #2 (42 FR 48622-September 23, 1977) Las Animas, Otero, and Pueblo Counties, Colorado					
Change:					
Sprinkler Fitters	12.10	.75	1.05		.08
DECISION NO. CO77-5084-MOd. #2 (42 FR 48627-September 23, 1977) Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
Change:					
Sprinkler Fitters	12.10	.75	1.05		.08
Electricians:					
Electricians	11.99	.62	3% +.25		1½%
Cable Splicers	12.24	.62	3% +.25		1½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT78-3004- Mod #1 (43 FR 7117- February 17, 1978) Hartford, Middlesex, New Haven, New London, and Tolland Counties, Connecticut					
Change:					
Electricians:					
Middlesex Co.: Centerbrook, Chester, Clinton, Cobalt, Deep River, Durham, E. Hampton, Essex, Haddam, Higganum, Ivoryton, Middle Haddam, Moodus, Old Saybrook, Rockfall & Westbrook; New Haven Co.: Ansonia, Branford, Cheshire, Derby, Guilford, Madison, Meriden, New Have, N. Branford, N.Haven, Northford, Orange, S.Britain, Wallingford; New London Co.: E.Lyme, Groton, Lyme, New London, Old Lyme, & Waterford	$10.36	1.00	3%		½of1%
DECISION NO. IN78-2025 - Mod. #1 (43 FR 10167 - March 10, 1978) Decatur Co., Indiana					
Change:					
SPRINKLER FITTERS	$12.10	.75	1.05		.08
LABORERS:					
Group 1	7.85	.70	.50		.09
Group 2	8.05	.70	.50		.09
Group 3	8.15	.70	.50		.09
Group 4	8.85	.70	.50		.09

DECISION NO. IN78-2029 - Mod. #1
(43 FR 12581 - March 24, 1978)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Adams, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Fountain, Fulton, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Miami, Montgomery, Morgan, Noble, Shelby, Steuben, Tipton, Wabash, Warren, Wells, White, & Whitley Cos., Indiana					
Change:					
CARPENTERS; Millwrights; Piledrivermen; Soft Floor Layers:					
Adams, Cass, Fulton, Howard, Huntington, Miami, Tipton, Wabash, & Wells Cos.:					
Carpenters; Soft Floor Layers	$10.23	.80	.60		.05
Millwrights	10.73	.80	.60		.05
Piledrivermen	10.43	.80	.60		.05
PAINTERS:					
Blackford, Cass, Fulton, Howard, Jay, Madison, Miami, Tipton, & Wells (to the so. city limits of Bluffton) Cos.:					
Brush; Taping	9.10		.60		
Pressure cleaning equipment; Sandblasters; Spray	9.85		.60		
ROOFERS:					
Blackford, Hamilton, Howard, Huntington, Jay, Madison, Miami, Tipton, & Wabash Cos.:					
Slate, Tile, & Asbestos	9.25	.55	.30		
Coal Tar Pitch	9.75	.55	.30		
Composition Damp & Waterproof	9.25	.55	.30		
SPRINKLER FITTERS	12.10	.75	1.05		.08

DECISION NO. IN78-2029 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Change:					
LABORERS:					
Adams, Boone, Carroll, Cass, Clinton, DeKalb, Fountain, Howard, Huntington, Miami, Montgomery, Noble, Steuben, Tipton, Wabash, Wells, White, & Whitley Cos.:					
GROUP I	$ 7.70	.70	.50		.09
GROUP II	7.90	.70	.50		.09
GROUP III	8.00	.70	.50		.09
GROUP IV	8.70	.70	.50		.09
Blackford, Hamilton, Hancock, Jay, & Madison Cos.:					
GROUP I	7.45	.70	.50		.09
GROUP II	7.65	.70	.50		.09
GROUP III	7.75	.70	.50		.09
GROUP IV	8.45	.70	.50		.09
Fountain, Hendricks, Johnson, Morgan, & Warren Cos.:					
GROUP I	7.85	.70	.50		.09
GROUP II	8.05	.70	.50		.09
GROUP III	8.15	.70	.50		.09
GROUP IV	8.85	.70	.50		.09
Shelby Co.					
GROUP I	7.95	.70	.50		.09
GROUP II	8.15	.70	.50		.09
GROUP III	8.25	.70	.50		.09
GROUP IV	8.95	.70	.50		.09

DECISION NO. IN78-2030 - Mod. #1
(43 FR 10169 - March 10, 1978)
Statewide, except Lake, LaPorte, Porter, and St. Joseph Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
CARPENTERS:					
Elkhart County	$10.38	.70	.70		.05
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove), and Warren Counties	11.15	.70	.50		.08
Remainder of State of Indiana	10.23	.60	.60		.05
PAINTERS:					
Blackford, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, & Wells (to the south city limits of Bluffton) Cos.:					
Brush	9.10		.60		
Spray	9.85		.60		
Dubois, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Cos.:					
Brush	10.80	.65	.30		
Spray	11.80	.65	.30		
Lawrence, Martin, & Orange Cos.:					
Brush; & Structural Steel	8.50				
Omit:					
Line construction schedule (Statewide, except Crawford, Dearborn, DuBois, Fountain, Gibson, Miami (Peru & Grissom AFB), Perry, Pike, Posey, Spencer, Vanderburgh, Vermillion, Warren, Clinton (Frankfort), & Warrick Counties)					
Add:					
PAINTERS:					
Pulaski & Starke Cos.:					
Brush	$10.80	.67	.50		.05
Sandblasting; Spraying;; Steam cleaning; Machine spray striping	11.55	.67	.50		.05
Line Construction Schedules					

DECISION NO. IN78-2030 (CONT'D))

Statewide, except Crawford, Dearborn, DuBois, Fountain, Gibson, Miami (Peru & Grissom AFB), Perry, Pike, Posey, Spencer, Vanderburgh, Vermillion, Warren, Clinton (Frankfort), & Warrick Counties

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Technicians	$10.57	.45	3%		.5%
Equipment Operators 1	8.26	.45	3%		.5%
Equipment Operators 2	9.56	.45	3%		.5%
Equipment Operators 3	10.04	.45	3%		.5%
Equipment Operators 4	10.57	.45	3%		.5%
Powderman and Equipment Mechanic	8.07	.45	3%		.5%
Senior Groundman Truck Driver w/w	6.90	.45	3%		.5%
Groundman Truck Driver with winch	6.63	.45	3%		.5%
Groundman Truck Driver w/o winch	5.81	.45	3%		.5%
Senior Groundman after 5 years	6.62	.45	3%		.5%
Senior Groundman after 12 months	6.44	.45	3%		.5%
Groundman 0-12 months	5.45	.45	3%		.5%
CALUMET AREA					
Linemen; Technicians	10.90	.45	3%		.5%
Equipment Operators 1	8.34	.45	3%		.5%
Equipment Operators 2	9.63	.45	3%		.5%
Equipment Operators 3	10.11	.45	3%		.5%
Equipment Operators 4	10.90	.45	3%		.5%
Powderman and Equipment Mechanic	8.14	.45	3%		.5%
Senior Groundman Truck Driver w/w	7.02	.45	3%		.5%
Groundman Truck Driver with winch	6.71	.45	3%		.5%
Groundman Truck Driver w/o winch	5.89	.45	3%		.5%
Senior Groundman after 5 years	6.75	.45	3%		.5%
Senior Groundman after 12 months	6.56	.45	3%		.5%
Groundman 0-12 months	5.55	.45	3%		.5%

DECISION NO. IN78-2030 (CONT'D)

Dearborn County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Up to & including 18 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operator all mechanized equipment operators	$11.95	.70	3%+.60		.5%
Groundmen	8.96	.70	3%+.60		.5%
Over 18 up to & including 21 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	12.25	.70	3%+.60		.5%
Groundmen	9.19	.70	3%+.60		.5%
Over 21 up to & including 25 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	12.35	.70	3%+.60		.5%
Groundmen	9.06	.70	3%+.60		.5%
Over 25 mi radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	12.50	.70	3%+.60		.5%
Groundmen	9.38	.70	3%+.60		.5%

DECISION NO. IN78-2032 - Mod. #1
(43 FR 10180 - March 10, 1978)

Lake, LaPorte, Porter, & St. Joseph Cos., Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
ASBESTOS WORKERS:					
LaPorte & St. Joseph Counties	$12.13	.65	.90		
CARPENTERS:					
St. Joseph County:					
Heavy & Highway Construction:					
Carpenters	10.38	.70	.70		.05
PAINTERS:					
Lake County (Gary Area), LaPorte & Porter County (North of Hwy #6):					
Commercial:					
Brush	9.70	.67	.50		.05
Sandblasting; Spray; Steam Cleaning; Machine spray stripping	10.45	.67	.50		.05
Paperhanging	9.95	.67	.50		.05
Industrial:					
Brush	10.80	.67	.50		.05
Sandblasting; Spray; Steamcleaning; Machine spray stripping	11.55	.67	.50		.05
SPRINKLER FITTERS:					
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties	12.10	.75	1.05		.08
Omit:					
Laborers schedule Line Construction					
Add:					
Laborers schedule Line Construction					

DECISION NO. IN78-2032 (CONT'D)

LABORERS (BUILDING CONSTRUCTION):

	AREA I	AREA IA	AREA IB	AREA IIA
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$8.70	$8.50	$8.25	$7.45
GROUP II	8.90	8.70	8.45	7.65
GROUP III	9.00	8.80	8.55	7.75
GROUP IV	9.70	9.50	9.25	8.45
GROUP V:				
A.	8.90	8.90	----	----
B.	8.775	8.775	----	----
C.	9.00	9.00	----	----
D.	8.975	8.975	----	----

	AREA IIB	AREA IIIA	AREA IIIB	AREA IIIC
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$7.70	$7.95	$7.85	$8.30
GROUP II	7.90	8.15	8.05	8.50
GROUP III	8.00	8.25	8.15	8.60
GROUP IV	8.70	8.95	8.85	9.30

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.70	.55		.09
ALL OTHER AREAS	.70	.50		.09

DECISION NO. IN78-2032 (CONT'D)

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen; Technicians	$10.57	.45	3%		.5%
Equipment Operators 1	8.26	.45	3%		.5%
Equipment Operators 2	9.56	.45	3%		.5%
Equipment Operators 3	10.04	.45	3%		.5%
Equipment Operators 4	10.57	.45	3%		.5%
Powderman and Equipment Mechanic	8.07	.45	3%		.5%
Senior Groundman Truck Driver w/w	6.90	.45	3%		.5%
Groundman Truck Driver with winch	6.63	.45	3%		.5%
Groundman Truck Driver w/o winch	5.81	.45	3%		.5%
Senior Groundman after 5 years	6.62	.45	3%		.5%
Senior Groundman after 12 months	6.44	.45	3%		.5%
Groundman 0-12 months	5.45	.45	3%		.5%
CALUMET AREA					
Linemen; Technicians	10.90	.45	3%		.5%
Equipment Operators 1	8.34	.45	3%		.5%
Equipment Operators 2	9.63	.45	3%		.5%
Equipment Operators 3	10.11	.45	3%		.5%
Equipment Operators 4	10.90	.45	3%		.5%
Powderman and Equipment Mechanic	8.14	.45	3%		.5%
Senior Groundman Truck Driver w/w	7.02	.45	3%		.5%
Groundman Truck Driver with winch	6.71	.45	3%		.5%
Groundman Truck Driver w/o winch	5.89	.45	3%		.5%
Senior Groundman after 5 years	6.75	.45	3%		.5%
Senior Groundman after 12 months	6.56	.45	3%		.5%
Groundman 0-12 months	5.55	.45	3%		.5%

MODIFICATIONS P. 15

DECISION NO. IN78-2033 - Mod. #1
(43 FR 10188 - March 10, 1978)
Brown, Clark, Crawford, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, Switzerland, & Washington Cos., Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BRICKLAYERS; Stonemasons:					
Crawford Co.	$10.54	1.00	.50		
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:					
Brown (Remainder of Co.):					
Carpenters; Soft Floor Layers	10.10	.60	.50		.01
Millwrights	10.85	.65	.54		.01
Piledrivermen	10.35	.60	.50		.01
Crawford Co.:					
Carpenters	10.47	.50	1.00		
Millwrights	10.89	.50	.90		
Piledrivermen; Welders; & burners	10.72	.50	1.00		
CEMENT MASONS:					
Crawford Co.	10.60	.65	.55		
ELECTRICIANS:					
Clark, Floyd, Harrison, Jackson, Jefferson, Scott, & Washington Cos.	12.40	.50	3%+.40		4%
PAINTERS:					
Lawrence, & Orange Cos.:					
Brush repaint	7.60				
Sandblasting; Spray	9.50				
Vinyl hanging	8.60				
Structural steel; Brush, new construction; Roller applicator; Drywall	8.50				
PLASTERERS:					
Crawford Co.	11.38				
SPRINKLER FITTERS	12.10	.75	1.05		.08
Change:					
LABORERS:					
Group I	$ 7.85	.70	.50		.09
Group II	8.05	.70	.50		.09
Group III	8.15	.70	.50		.09
Group IV	8.85	.70	.50		.09
Add:					
GLAZIERS:					
Switzerland Co.	12.10		.60		.01

MODIFICATIONS P. 16

DECISION NO. IN78-2051 - Mod. #1
(43 FR 12589 - March 24, 1978)
Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Cos., Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers; & Tile setters:					
Vanderburgh Co.:					
Bricklayers; Stonemasons	$11.03	1.00	.50		
Carpenters; Millwrights; Piledrivermen; & Soft floor layers:					
Grant Co.:					
Carpenters; Soft floor layers	10.23	.80	.60		.05
Millwrights	10.73	.80	.60		.05
Piledrivermen	10.43	.80	.60		.05
Vanderburgh Co.:					
Millwrights	10.89	.50	.90		
Cement masons:					
Vanderburgh Co.	10.60	.65	.55		
Lathers:					
Vanderburgh Co.	11.97		.20		.01
Painters:					
Delaware Co.:					
Brush; Taping	9.10		.60		
Sandblasters; Spray	9.85		.60		
Steeplejack; Water towers	10.10		.60		
Vanderburgh Co.:					
Brush; Roller	9.65	.65	.30		
Sandblasting	10.40	.65	.30		
Spray	10.65	.65	.30		
Plasterers:					
Vanderburgh Co.	11.38				
Roofers:					
Delaware & Grant Cos.:					
Slate, tile & asbestos; Composition; Damp & Waterproofers	9.25	.55	.30		
Coal tar pitch	9.75	.55	.30		
Sprinkler fitters	12.10	.75	1.05		.08

DECISION NO. IN78-2051 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Laborers schedule					
Line construction schedule (Allen, Bartholomew, Benton, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Cos.)					
Add:					
Glaziers:					
Dearborn Co.	$12.10		.60		.01
Laborers schedule					
Line construction schedules (Allen, Bartholomew, Benton, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Cos.)					
(Dearborn Co.)					

DECISION NO. IN78-2051 (CONT'D)

LABORERS (BUILDING CONSTRUCTION):

	AREA I	AREA IA	AREA IB	AREA IIA
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$8.70	$8.50	$8.25	$7.45
GROUP II	8.90	8.70	8.45	7.65
GROUP III	9.00	8.80	8.55	7.75
GROUP IV	9.70	9.50	9.25	8.45
GROUP V:				
A.	8.90	8.90	----	----
B.	8.775	8.775	----	----
C.	9.00	9.00	----	----
D.	8.975	8.975	----	----

	AREA IIB	AREA IIIA	AREA IIIB	AREA IIIC
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$7.70	$7.95	$7.85	$8.30
GROUP II	7.90	8.15	8.05	8.50
GROUP III	8.00	8.25	8.15	8.60
GROUP IV	8.70	8.95	8.85	9.30

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.70	.55		.09
ALL OTHER AREAS	.70	.50		.09

DECISION NO. IN78-2051 (CONT'D)

Allen, Bartholomew, Benton, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Cos.

IND-LC-AREA 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$10.57	.45	3%		.5%
Equipment Operators 1	8.26	.45	3%		.5%
Equipment Operators 2	9.56	.45	3%		.5%
Equipment Operators 3	10.04	.45	3%		.5%
Equipment Operators 4	10.57	.45	3%		.5%
Powderman and Equipment Mechanic	8.07	.45	3%		.5%
Senior Groundman Truck Driver w/w	6.90	.45	3%		.5%
Groundman Truck Driver with winch	6.63	.45	3%		.5%
Groundman Truck Driver w/o winch	5.81	.45	3%		.5%
Senior Groundman after 5 years	6.62	.45	3%		.5%
Senior Groundman after 12 months	6.44	.45	3%		.5%
Groundman 0-12 months	5.45	.45	3%		.5%
CALUMET AREA					
Linemen; Technicians	10.90	.45	3%		.5%
Equipment Operators 1	8.34	.45	3%		.5%
Equipment Operators 2	9.63	.45	3%		.5%
Equipment Operators 3	10.11	.45	3%		.5%
Equipment Operators 4	10.90	.45	3%		.5%
Powderman and Equipment Mechanic	8.14	.45	3%		.5%
Senior Groundman Truck Driver w/w	7.02	.45	3%		.5%
Groundman Truck Driver with winch	6.71	.45	3%		.5%
Groundman Truck Driver w/o winch	5.89	.45	3%		.5%
Senior Groundman after 5 years	6.75	.45	3%		.5%
Senior Groundman after 12 months	6.56	.45	3%		.5%
Groundman 0-12 months	5.55	.45	3%		.5%

DECISION NO. IN78-2051 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dearborn County					
LINE CONSTRUCTION					
Up to & including 18 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operator all mechanized equipment operators	$11.95	.70	3%+.60		.5%
Groundmen	8.96	.70	3%+.60		.5%
Over 18 up to & including 21 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	12.25	.70	3%+.60		.5%
Groundmen	9.19	.70	3%+.60		.5%
Over 21 up to & including 25 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	12.35	.70	3%+.60		.5%
Groundmen	9.06	.70	3%+.60		.5%
Over 25 mi radius of Hamilton Co., Court House, Cincinnati, Ohio					
Linemen; Operators all mechanized equipment operators	12.50	.70	3%+.60		.5%
Groundmen	9.38	.70	3%+.60		.5%

DECISION NO. IN78-2052 - Mod. #1
(43 FR 12598 - March 24, 1978)
Fayette, Franklin, Henry, Ohio, Randolph, Ripley, Rush, Union, & Wayne Cos., Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
ROOFERS:					
Henry & Randolph Cos.:					
Slate, Tile, Asbestos	$ 9.25	.55	.30		
Coal Tar Pitch	9.75	.55	.30		
Composition, Damp & Waterproof	9.25	.55	.30		
SPRINKLER FITTERS	12.10	.75	1.05		.08
LABORERS:					
Fayette, Henry, Randolph, Rush, Union, & Wayne Counties					
GROUP I	7.45	.70	.50		.09
GROUP II	7.65	.70	.50		.09
GROUP III	7.75	.70	.50		.09
GROUP IV	8.45	.70	.50		.09
Remaining Counties					
GROUP I	7.85	.70	.50		.09
GROUP II	8.05	.70	.50		.09
GROUP III	8.15	.70	.50		.09
GROUP IV	8.85	.70	.50		.09
Add:					
GLAZIERS:					
Franklin, Ohio, & Ripley Cos.	12.10		.60		.01

DECISION #KY77-1108 - Mod. #2
(42 FR 43334 - August 26, 1977)
Fayette County, Kentucky

Change:					
Plumbers & Pipefitters	$11.20	.45	.85		.02

DECISION #LA78-4001 - Mod. #7
(43 FR 1276 - January 6, 1978)
Statewide Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Carpenters & Piledrivermen (Highway Construction):					
Zone 1	$ 9.76				
Zone 2	10.76				
Zone 3	10.87				
Zone 4	10.175				
Zone 5	8.87				
Zone 6	8.65				
Zone 7	8.10				

ZONE 1 - Bossier & Caddo Parishes
ZONE 2 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

MODIFICATIONS P. 23

Decision # MD77-3080 - Mod. #6 (42 FR-32476 - June 24, 1977) Baltimore City, Maryland	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers:					
Structural & Reinforcing	$10.24	.90	1.76		.06
Fence Erectors	9.89	.90	1.76		.06
Power Equipment Operators:					
Highway Construction					
Group I	9.19	.95	1.00	a	.12
Group II	8.69	.95	1.00	a	.12
Group III	8.19	.95	1.00	a	.12
Group IV	7.19	.95	1.00	a	.12
Group V					
a	9.59	.95	1.00	a	.12
b	9.79	.95	1.00	a	.12
c	9.99	.95	1.00	a	.12
d	10.19	.95	1.00	a	.12
e	10.44	.95	1.00	a	.12
Truck Drivers:					
Pickups	6.95	1.05	.75	a+b	
Dumps	7.13	1.05	.75	a+b	
Drop-frame, gooseneck, trailer drivers	7.33	1.05	.75	a+b	
Euclid & Dumpsters	7.44	1.05	.75	a+b	
DECISION NO. MS78-1014 - Mod. #1 (43 FR - 7130 - February 17, 1978) Hancock, Harrison, Jackson, & Pearl River Counties, Mississippi					
Change:					
Laborers:					
Laborers	$ 5.35	.15	.15		.05
Asphalt rakers, Mason tenders, Mortar mixers, Pipelayers, Pipe wrappers, Post hole digger, Plasterer tenders	5.50	.15	.15		.05
DECISION NO. NM78-4012 - Mod. #4 (43 FR 5978 - February 10, 1978) Statewide, New Mexico					
CHANGE:					
SPRINKLER FITTERS	$11.71	.75	1.05		.08
TILE, MARBLE & TERRAZZO WORKERS	8.65	.67			
TILE, MARBLE & TERRAZZO FINISHERS	7.08	.67			

MODIFICATIONS P. 24

DECISION NO. DC78-3008 - Mod. # 1 (43 FR 11464 - March 17, 1978) District of Columbia; Maryland - Montgomery and Prince Georges; and D. C. Training School; - Virginia-Independent City of Alexandria & Arlington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Heavy Construction Excluding Water and Sewer Lines:					
All Counties					
Building Construction:					
Excluding Alexandria, Virginia					
Asbestos workers	$11.41	.75	1.29		.03
Carpenters	10.45	.85	.60		.05
Cement Masons:					
Cement masons	10.50	.855	.60		.11
Grinding machine	10.75	.855	.60		.11
Divers	18.125	.55	.49		.07
Diver Tender	10.75	.55	.49		.07
Electricians	11.40	.70	3%+.80		.13
Ironworkers:					
Structural, ornamental and chain link fence	10.80	.90	.85		.07
Reinforcing	10.95	.72	1.05		.03
Laborers, (Excluding, heavy construction)					
Common laborers, landscapers	8.46	.65	.45		.05
Acetylene burners used on wrecking	8.96	.65	.45		.05
Air tool op., scaffold builders, paving breakers, townmasters, buggy mobiles, spaders, mortar men and scootcretes	8.61	.65	.45		.05
Pipelayers	8.61	.65	.45		.05
Plasterers' tenders	8.96	.65	.45		.05
Plumbers' laborers	8.31	.65	.45		.05
Powdermen	9.635	.65	.45		.05
Powersaw, well points	8.71	.65	.45		.05
Millwrights	10.94	.85	.60		.05
Piledrivermen	10.68	.85	.60		.05

Decision #DC78-3008 -(Mod. # 1, Cont'd.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers:					
Composition	9.87	.61	.30		
Slate, tile mopmen, waterproofers, sprayers, sprandrel and ironite	10.43	.61	.30		
Sheet metal workers	11.14	.8	1.21		.14
Soft floor layers	10.45	.85	.60		.05
Sprinkler Fitters	12.15	.75	1.05		.08
Steamfitters, refrigeration and air condition mechanic	11.48	.95	1.00		.16
Terrazzo and mosaic workers	11.59	.70	.70		.04
Tile setters	11.59	.70	.70		.04
Tile setters' helpers	9.95	.70	.70		
Laborers (Heavy Construction excluding water & sewer lines):					
Group I	8.46	.65	.45		.05
Group II	8.61	.65	.45		.05
Group III	8.66	.65	.45		.05
Group IV	8.71	.65	.45		.05
Group V	8.91	.65	.45		.05
Group VI	9.11	.65	.45		.05
Group VII	9.235	.65	.45		.05
Group VIII	9.635	.65	.45		.05
Laborers (Heavy Construction):					
Group I	8.735	.55	.40		.05
Group II	9.035	.55	.40		.05
Group III	9.685	.55	.40		.05
Group IV	9.935	.55	.40		.05
Laborers - Conpressed air rates (excluding sewer and water lines)					
Gauge Pressure Pounds / Work Period Hours					
1-14 / 7	91.26	.65	.45		.05
14-18 / 6	94.60	.65	.45		.05
18-22 / 5-1/2	97.89	.65	.45		.05
22-26 / 5	101.28	.65	.45		.05
26-32 / 4	104.61	.65	.45		.05
32-38 / 3	107.91	.65	.45		.05
38-44 / 2-1/2	119.29	.65	.45		.05

Decision #DC78-3008 -(Mod. # 1, Cont'd.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Demolition (Excluding Alexandria):					
Laborers	$6.40	.40	.40		.05
Burners	6.90	.40	.40		.05
Power tool operator	6.55	.40	.40		.05
Bobcat operator	7.40	.40	.40		.05
(District of Columbia Only)					
PAVING AND INCIDENTIAL GRADING					
Asphalt shoveler	7.05	.32	.35		
Asphalt raker	7.25	.32	.35		
Asphalt tamper	7.15	.32	.35		
Carpenters	10.45	.85	.60		.05
Cement masons	7.50	.32	.35		
Concrete saw operator	7.25	.32	.35		
Concrete shoveler	7.15	.32	.35		
Form setter	7.50	.32	.35		
Laborers:					
Laborers	7.00	.32	.35		
Jackhammer	7.20	.32	.35		
Hand burner operator	7.15	.32	.35		
(District of Columbia only)					
SEWER AND WATER LINES					
Carpenters	10.45	.85	.60		.05
Cement masons	10.50	.855	.60		.11
Ironworkers, reinforcing	10.95	.72	1.05		.03
Laborers:					
Open Cut:					
Laborers, jackhammer, rammers and spaders	5.78	.33	.25		.03
Timbermen, sheeting-men, shoring-men, caulkers, pipelayers helpers	5.93	.33	.25		.03
Bottom man	5.83	.33	.25		.03
Wagon drillers, air track drillers	6.13	.33	.25		.03
Pipelayers	6.13	.33	.25		.03
Rock drillers	5.88	.33	.25		.03
Tunnel:					
Brakeman, bull gang, dumper, trackmen, concrete man	6.415	.33	.25		.03

MODIFICATIONS P. 27

Decision #DC78-3008 -(Mod. # 1, Cont'd.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Chuck tender, power in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers, helpers	$6.715	.33	.25		.05
Miners, rodmen, re-bar underground, concrete or gunite nozzlemen, powermen, timbermen and retimberman wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill riggers, cement finishers (underground), welders and burners, shield diver	7.365	.33	.25		.03
Mucking machine operator (air)	7.615	.33	.25		.03
COMPRESSED AIR: (All rates per day)					
Gauge Pressure Pound / Work Period					
From 1 to 14 / 7 hours	72.74	.33	.25		.03
From 14 to 18 / 6 hours	76.08	.33	.25		.03
From 18 to 22 / 5½ hours	79.41	.33	.25		.03
From 22 to 26 / 5 hours	82.76	.33	.25		.03
From 26 to 32 / 4 hours	86.09	.33	.25		.03
From 32 to 38 / 3 hours	89.44	.33	.25		.03
From 38 to 44 / 2½ hours	92.77	.33	.25		.03
Piledrivermen	10.68	.85	.60		.05

Footnote:
g. Employer contributes to Health & Welfare $1.07, in District of Columbia, and $1.17, in all other areas.

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Calhoun
DECISION NUMBER: AL78-1041 DATE: Date of Publication
Supersedes Decision No. AL76-1125 dated October 29, 1976 in 41 FR 47713
DESCRIPTION OF WORK: Building Construction (does not include Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.50				
Carpenters	7.35				.03
Cement masons	5.20				
Electricians	10.65	.55	3%+.40		½ of 1%
Glaziers	3.50				
Ironworkers	7.55	.40	.22		.04
Laborers:					
Laborers	3.00				
Air tool operator	3.50				
Mason tenders	3.00				
Mortar mixers	3.00				
Painters, brush	5.40				
Plasterers	7.07				
Plumbers	9.75	.69	.82	a	.02
Roofers	5.00				
Sheet metal workers	9.75	.69	.82		.09
Tile setters	7.60		.30		
Truck drivers	3.00				
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	3.00				
Blade grader	4.00				
Bulldozer	3.40				
Dragline	3.00				
Forklift	3.30				
Front end loader	3.00				
Hoist - 1 drum	4.50				
Motor grader	3.25				
Motor patrol	3.60				
Roller	2.65				
Scraper	3.30				
Tractor	2.65				
Trenching machine	3.00				

FOOTNOTES:
a. Four paid holidays: July 4, Labor Day, Thanksgiving Day and Christmas Day.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Barnstable
DECISION NO.: MA78-3022 DATE: Date of Publication
Supersedes Decision No. MA77-3062, dated July 22, 1977 in 42 FR 37718
DESCRIPTION OF WORK: Build Construction (excluding single family home and gardentype apartments up to and including 4 stories), heavy, highway & marine construction.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Barnstable, Bourne, Falmouth Mashpee & Sandwich	$10.28	1.00	1.18		
Remainder of County	11.36	1.10	.95		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS: CEMENT MASONS: CEMENT FINISHERS: PLASTERERS: STONEMASONS	10.75	.80	.80		.06
CARPENTERS AND SOFT FLOOR LAYERS	9.90	.60	1.00		.04
ELECTRICIANS	10.00	.90	3%+.85		a
ELEVATOR CONSTRUCTORS	11.50	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.88	.52	1.03		.01
IRONWORKERS	9.43	.70	1.50		.05
LABORERS (BUILDING):					
Laborers; carpenter tenders; wrecking laborers	7.75	.60	.75		.10
Jackhammers op., pavement breakers; asphalt rakers; caride core drilling machine, chain saw op.; pipelayer; Barco type jumping tampers; laser beam; concrete pump; mason tender; mortar tar mixers; ride-on motorized buggy, fence & beam rail erectors & plasterer's tenders	8.00	.60	.75		.10
Air track; block pavers, tampers curb setters	8.25	.60	.75		.10
Blasters; powdermen	8.50	.60	.75		.10
Open air caisson; cylindrical work & boring crew					
Laborer; Top man	7.75	.60	.75		.10
Helper	7.87	.60	.75		.10
Bottom man	8.50	.60	.75		.10
Driller	8.62	.60	.75		.10

DECISION NO. MA78-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.45	.65	.55		.01
LEADBURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	e	3/8 of 1%
Driver - Groundman	9.03	.70	3%+.50	e	3/8 of 1%
Groundmen	7.68	.70	3%+.50	e	3/8 of 1%
Equipment Operators	11.28	.70	3%+.50	e	3/8 of 1%
MARBLE & TILE SETTERS: TERRAZZO WORKERS	10.00	.85	1.10		
MARBLE SETTER' HELPERS	8.71	.85	.25		
MILLWRIGHTS	10.75	.60	1.00		.07
PAINTERS:					
Brush, roller tapers, steel on ground	8.75	.70	.65		
Sandblasting, chipping hammer, power brush	10.25	.70	.65		
Structural steel	12.00	.70	.65		
Spray	10.00	.70	.65		
Paperhangers and vinyl installers	9.25	.70	.65		
Sign painting	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.45	.60	1.00		
PLUMBERS & STEAMFITTERS					
Bourne & Sandwich	10.95	.80	.80		.05
Remainder of County	10.35	.95	1.27		.20
ROOFERS:					
Roofers, kettlemen & waterproofers	9.20	.60	.20		
Mechanic on shingle work	7.36	.60	.20		

DECISION NO. MA78-3022

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$ 9.58	1.05	1.00		.02
SPRINKLER FITTERS	12.08	.65	.95		.08
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS' HELPERS	8.71	.85	.25		
Welder - Rate for Craft					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per journeyman Electricians per week.

b. Employer contributes 8% basic hourly rate for 5 years or more of service of 6% basic hourly rate for 6 months to 5 years' service as vacation pay credit.

c. Holidays: A through F, and the day after Thanksgiving.

d. Holiday: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days during 120 calendar days prior to the holiday & the regular scheduled days immediately preceding and following the holiday

e. Holidays: A through F, and Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

DECISION NO. MA78-3022

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	$ 7.75	.60	.75		.10
CLASS II	8.00	.60	.75		.10
CLASS III	8.25	.60	.75		.10
CLASS IV	8.50	.60	.75		.10

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

DECISION NO. MA78-3022

BUILDING CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	11.05	1.10	1.00	a	.03
CLASS II	10.93	1.10	1.00	a	.03
CLASS III	9.21	1.10	1.00	a	.03
CLASS IV	10.06	1.10	1.00	a	.03
CLASS V	8.14	1.10	1.00	a	.03
CLASS VI	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

DECISION NO. MA78-3022

HEAVY & HIGHWAY CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.05	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	10.93	1.10	1.00	a	.03
GROUP 3	9.21	1.10	1.00	a	.03
GROUP 4	10.06	1.10	1.00	a	.03
GROUP 5	8.14	1.10	1.00	a	.03
GROUP 6	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

DECISION NO. MA78-3022

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

DECISION NO. MA78-3022

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	11.05	1.10	1.00	a	.03
GROUP II	12.10	1.10	1.00	a	.03
GROUP III	11.00	1.10	1.00	a	.03
GROUP IV	10.93	1.10	1.00	a	.03
GROUP V	9.21	1.10	1.00	a	.03
GROUP VI	10.06	1.10	1.00	a	.03
GROUP VII	8.14	1.10	1.00	a	.03
GROUP VIII	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pump-crete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bull-dozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

DECISION NO. MA78-3022

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

DECISION NO. MA78-3022

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
CLASS I	$ 7.99	.695	.725	a+b	
CLASS II	8.14	.695	.725	a+b	
CLASS III	8.19	.695	.725	a+b	
CLASS IV	8.29	.695	.725	a+b	
CLASS V	8.39	.695	.725	a+b	
CLASS VI	8.64	.695	.725	a+b	
CLASS VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

CLASS I Station wagons, panel trucks and pickup trucks

CLASS II Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators

CLASS III Three axle equipment and tiremen

CLASS IV Four and five axle equipment

CLASS V Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachual, mechanics, paving restoration equipment, mechanics

CLASS VI Specialized earth moving equipment over 35 tons

CLASS VII Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Bristol
DECISION NO.: MA78-3024 DATE: Date of Publication
Supersedes Decision No. MA77-3064 dated September 16, 1977 in 42 FR 46877
DESCRIPTION OF WORK: Building Construction(including Residential), Heavy and Highway Construction and Marine Construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Easton	$11.36	1.10	.95		.01
Remainder of County	10.28	1.00	1.18		
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS & STONEMASONS:					
Easton, N. Easton & S. Easton	10.35	.85	1.15		.06
Residential	8.28	.85	1.15		.06
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Somerset Swansea, S. Dartmouth & Westport	10.75	.80	.80		.06
Residential	8.60	.80	.80		.06
Remainder of County	10.45	1.10	.80		.06
Residential	8.36	1.10	.80		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Attleboro, N. Attleboro & S. Attleboro	10.70	.60	1.00		.07
Remainder of County	9.90	.60	1.00		.04
ELECTRICIANS:					
Attleboro, N. Attleboro & Seekonk	9.40	.48	3%+1.40		.02
Residential	6.00	.38	3%		.02
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth & S. Dartmouth	10.00	.90	3%+.85		a
Easton:					
Electrical contracts less than $50,000.00	9.15	6%	7%	2%	.5%
Electrical contracts $50,000.00 or more	11.55	6%	7%	2%	.5%
Residential	6.60	6%	7%	2%	.5%
Fall River, Freetown, Somerset, Swansea & Westport	10.00	4%	3%+1.00	4%	½%
Remainder of County	11.00	.75	3%+.25		.1%
Residential	8.00	.75	3%+.25		.1%

DECISION NO.: MA78-3024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$11.50	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Easton	10.40	.57	.64		.03
Remainder of County	8.88	.52	1.03		.01
IRONWORKERS:					
Easton, Mansfield, N. Easton	10.84	1.00	1.50		.06
Remainder of County	9.43	.70	1.50		.05
LABORERS (BUILDING):					
Laborers; carpenter tenders; wrecking laborers	7.75	.60	.75		.10
Jackhammer op.; pavement breakers; asphalt rakers; carbide core drilling machine; Chain saw op.; pipelayer; barco type jumping tampers; laser beam; concrete pump; mason tenders; mortar mixers; ride-on motorized buggy, fence and beam rail erectors and plasterers' tenders	8.00	.60	.75		.10
Air track; block pavers; rammers curb setters	8.25	.60	.75		.10
Blasters; powdermen	8.50	.60	.75		.10
Open air caisson; cylindrical work & boring crew:					
Laborers; top man	7.75	.60	.75		.10
Helper	7.87	.60	.75		.10
Bottom men	8.50	.60	.75		.10
Driller	8.62	.60	.75		.10
LATHERS	9.45	.65	.55		.01
LEADBURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	e	3/8 of 1%
Equipment Operators	11.28	.70	3%+.50	e	3/8 of 1%
Driver Groundman	9.03	.70	3%+.50	e	3/8 of 1%
Groundman	7.68	.70	3%+.50	e	3/8 of 1%
MARBLE & TILE SETTERS: TERRAZZO WORKERS	10.00	.85	1.10		
MARBLE SETTERS' HELPERS	9.95		.25		

DECIDION NO.: MA78-3024	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS	$10.75	.60	1.00		.07
PAINTERS:					
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth & S. Dartmouth: Brush & roller	8.75	.70	.65		
Spray	10.00	.70	.65		
Sandblasting, chipping hammer, power brush	10.25	.70	.65		
Paperhangers & vinyl installer	9.25	,70	.65		
Steel	12.00	.70	.65		
Remainder of County:					
Brush, taper	10.06	.82	1.15		.04
Steel (new & repaint steel)	12.18	.82	1.15		.04
Spray, sandblasting	11.06	.82	1.15		.04
All other repaint & alteration	8.61	.82	1.15		.04
Sign painting	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.45	.60	1.00		
PLASTERERS' TENDERS	7.75	.60	.70		.10
PLUMBERS & STEAMFITTERS:					
Easton	10.95	.80	.80		.05
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Somerset, S. Dartmouth, Swansea & Westport	10.35	.95	1.27		.20
Residential	8.91	.76	1.16		.15
Remainder of County	8.97	.60	.73		
ROOFERS:					
Attleboro, Taunton, Mansfield, Easton, Norton, Raynham & N. Attleboro:					
Journeyman	10.20	.70	1.55		.05
Re-roofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
Remainder of County:					
Journeyman and mechanics	9.20	.75	.30		
Mechanics on shingle work	7.36	.75	.30		

DECISION NO.: MA78-3024	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River Freetown, New Bedford, N. Dartmouth, Rehboth, Seekonk, Somerdet, Swansea & Westport	$ 9.58	1.05	1.00		.02
Remainder of County	10.98	1.16	1.35		.06
SPRINKLER FITTERS	12.08	.65	.95		.08
TERRAZZO WORKERS' HELPERS	9.95		.25		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contribution of 1.00 per journeyman Electricians per week

b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 4% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. Holidays: A through F, and the day after Thanksgiving

d. Holidays: A through F, Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F, & Bunker Hill Day, provided the employee is employed 10 days prior to the listed holidays.

DECISION NO. MA78-3024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	$ 7.75	.60	.75		.10
CLASS II	8.00	.60	.75		.10
CLASS III	8.25	.60	.75		.10
CLASS IV	8.50	.60	.75		.10

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

DECISION NO. MA78-3024

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATOR:					
CLASS I	$11.05	1.10	1.00	a	.03
CLASS II	10.93	1.10	1.00	a	.03
CLASS III	9.21	1.10	1.00	a	.03
CLASS IV	10.06	1.10	1.00	a	.03
CLASS V	8.14	1.10	1.00	a	.03
CLASS VI	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, oost hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (onsite), crusher plant (on site), paving concrete mixers, timber jacks, Boom ove 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour
CLASS II Sonic or vibratory hammers, gradersm tandum scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, roller, spreaders, tampers, (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampersm single diaphragm pump, lighting plants
CLASS IV Assistant engineers (firemen)
CLASS V Oilers (other than truck cranes and gradalls)
CLASS VI Oilers on trcuk cranes and gradalls

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans' Day and Patriots Day.

DECISION NO. MA78-3024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$11.05	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	10.93	1.10	1.00	a	.03
GROUP 3	9.21	1.10	1.00	a	.03
GROUP 4	10.06	1.10	1.00	a	.03
GROUP 5	8.14	1.10	1.00	a	.03
GROUP 6	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes,truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders, asphalt pavers, locomotives or machines used in place thereof, tampers self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syhons-pulsometerd, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

DECISION NO. MA78-3024

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans' Day and Patriots Day

DECISION NO. MA 78-3024

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$11.05	1.10	1.00	a	.03
GROUP II	12.10	1.10	1.00	a	.03
GROUP III	11.00	1.10	1.00	a	.03
GROUP IV	10.93	1.10	1.00	a	.03
GROUP V	9.21	1.10	1.00	a	.03
GROUP VI	10.06	1.10	1.00	a	.03
GROUP VII	8.14	1.10	1.00	a	.03
GROUP VIII	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engined, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - assitional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

DECISION NO. MA78-3024

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day' Columbus Day & Veterns" Day

DECISION NO. MA78-3024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
CLASS I	$ 7.99	.695	.725	a+b	
CLASS II	8.14	.695	.725	a+b	
CLASS III	8.19	.695	.725	a+b	
CLASS IV	8.29	.695	.725	a+b	
CLASS V	8.39	.695	.725	a+b	
CLASS VI	8.64	.695	.725	a+b	
CLASS VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

CLASS I Station wagons, panel trucks and pickup trucks

CLASS II Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators

CLASS III Three axle equipment and tiremen

CLASS IV Four and five axle equipment

CLASS V Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachual, mechanics, paving restoration equipment, mechanics

CLASS VI Specialized earth moving equipment over 35 tons

CLASS VII Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Middlesex
DECISION NUMBER: MA78-3029 DATE : Date of Publication
Supersedes Decision No. MA77-3069 dated October 7, 1977, in 42 FR 54719
DESCRIPTION OF WORK: Building Construction (including Residential), Heavy and Highway Construction and Marine Construction.

BUILDING, HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.36	$ 1.10	.95		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, STONEMASONS:					
Ashland, Framingham, Holliston, Hopkington, Hudson, Sherborn, and Stow	10.15	1.20	1.00		.08
Reading, North Reading and Wakefield	10.40	.70	1.25		.06
Acton, Ashby, Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, North Acton, Pepperell, Shirley, South Acton, Tewksbury, Townsend, Tyngsboro, West Acton, Westford and Willmington	10.75	.90	.70		.06
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Acton, Ashby , Ayer, Bedford, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, North Acton, Pepperell, Shirley, South Acton, Tewksbury, Townsend, Tyngsboro, West Acton, Westford and Willmington	8.71	.90	.70		.06
Newton	10.35	.60	1.40		.10
Veneer Plasterers	8.24	.60	1.40		.10
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester and Woburn	10.60	.75	1.00		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS, STONEMASONS: (Cont'd)					
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Bricklayers:					
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Wayland, Weston, Winchester and Woburn	$ 8.76	.75	$ 1.00		.06
Arlington, Cambridge, Everett, Malden, Melford, Melrose and Somerville	10.10	.85	1.10		.05
Residential Construction	8.32	.85	1.10		.05
CARPENTERS & SOFT FLOOR LAYERS:	10.70	.70	1.00		.07
All work, including demolition, repair and alteration of any existing structure which is intended for predominatly residential use:					
Carpenters:					
Bedford, Concord, Dover, Lincoln, Natick, Newton, Sudbury, Waltham, Watertown, Wayland, Weston	8.76	.50	1.00		.07
Acton, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford	8.50	.60	1.00		.07
CEMENT MASONS:					
Bedford, Burlington, Lowell, Billerica, Tyngsboro, Westford, Tewksbury, Acton, Littleton, Dracut, Wilmington, Dunstable, Chelmsford and Carlisle	9.80	.90	.70		.02
Arlington, Cambridge, Everett, Malden, Mdeford, Melrose, Somerville, Stoneham, Wakefield, Winchester and Woburn	10.45	1.15	.50		.10
Reading and North Reading	9.69	.70	.75		
Ashby, Ayer, Boxboro, Groton, North Acton, Pepperell, Shirley, South Acton, Townsend and West Acton	9.45	.65	.70		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Ashland, Framingham, Holliston, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborne, and Stow	$ 8.95	$ 1.00	.70		.05
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Sudbury, Waltham, Watertown, Wayland and Weston	9.40	.75	.50		.05
ELECTRICIANS:					
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford and Wilmington	10.80	.70	3%+.25		.02
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Electricians:					
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford and Wilmington	8.84	.70	3%+.35		.02
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley and Townsend:					
Commercial	10.55	.75	3%+.70		.02
Residential	6.40	.45	3%+.35		.02
Ashland, Hopkinton, Hudson, Marlboro and Stow	10.97	8%	5½%+.30		.01
North Reading	10.02	.35	3%+1.55		.05
Remainder of County (commerical)	11.25	.75	3%+1.55		.05
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Remainder of County (excluding Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, Townsend, Ashland, Hopkington, Hudson, Marlboro, Stow and North Reading)	9.56	.75	3%+.55		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$ 11.50	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	a+b	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.40	.57	.64		.03
IRONWORKERS	10.84	1.00	1.50		.06
LABORERS (Building):					
Laborers, Carpenters' tenders; Wrecking laborers	7.75	.60	.75		.10
Jackhammer operators; Pavement breaker; Asphalt rakers; Carbide core drilling machine; Chain saw operators; Pipelayers; Barco type jumping tampers; Laser beam operators; Concrete pump operators; Mason tenders; Mortar mixers, ride-on motorized buggy; Fence and beam rail erectors	8.00	.60	.75		.10
Air track operators; Block pavers; Rammers; Curb setters	8.25	.60	.75		.10
Blasterers; Powdermen	8.50	.60	.75		.10
Open air caisson; Cylindrical work and boring crew:					
Laborer and top man	7.75	.60	.75		.10
Helper	7.87	.60	.75		.10
Bottom man	8.50	.60	.75		.10
Driller	8.67	.60	.75		.10
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Laborers	6.38	.60	.70		.10
LATHERS:					
Hudson and Marlboro	9.97	1.65	.25		.01
Remainder of County	10.55	.65	.55		
LEADBURNERS	9.25	.35		c	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$ 12.00	.70	3%+.50	d	3/8 of 1%
Equipment Operator	11.28	.70	3%+.50	d	3/8 of 1%
Driver Groundman	9.03	.70	3%+.50	d	3/8 of 1%
Groundman	7.68	.70	3%+.50	d	3/8 of 1%
MARBLE SETTER & TERRAZZO WORKERS	10.00	.85	1.10		
MILLWRIGHTS	10.75	.60	1.00		.07
PAINTERS:					
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn, Reading, North Reading:					
New Construction:					
Brush, Taper	10.06	.82	1.15		.04
Sandblasting, Spray	11.06	.82	1.15		.04
Steel	12.18	.82	1.15		.04
Repaint, alterations, residential					
Brush	8.61	.82	1.15		.04
Sandblasting, Spray	9.61	.82	1.15		.04
Steel	12.18	.82	1.15		.04
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
North Reading (ONLY)	8.30	1.05	.72		.04
Ashby, Ayer, Groton, Pepperell, Shirley and Townsend					
Brush	10.06	.82	.75		.02
Sandblasting, Spray	11.06	.82	.75		.02
Steel	12.18	.82	.75		.02
Repaint	8.61	.82	.75		.02
Residential	7.545				
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford and Wilmington:					
Brush, taping, paperhangers	8.90	1.18	.80		.04
Spray	9.65	1.18	.80		.04
Steel	9.70	1.18	.80		.04
Repaint	7.57	1.18	.80		.04
Residential-1 & 2 family houses	5.00	1.18	.80		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
All the Newtons, Acton, Axhland, Boxboro, Concord, Framingham, Holliston, Hopkington, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Walham, Watertown, Wayland, Westboro and Weston					
Brush, new; Paperhanger; Taper	9.00	.85	.70		.06
Repaint	8.45	.85	.70		.06
Sign Painting	8.80	.84	.35	.32	.04
PILEDRIVERMEN	10.45	.60	1.00		
PLASTERERS:					
Arlington, Cambridge, Everett, Malden, Medford, Somerville, Stoneham. Wakefield, Winchester and Woburn:					
Vinyl plasterers	9.25	.45	1.30		.02
Ashland, Framingham, Holliston, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborn, and Stow	8.95	1.00	.70		.05
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, North Acton, Pepperell, Shirley, South Acton, Tewsbury, Townsend, and West Acton	9.45	.60	.60		.05
Newton	9.15	.60	.90		.05
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland and Weston	9.40	.75	.50		.05
Bedford, Burlington, Lowell, Tyngsboro and Westford	8.60	.55			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS: (Cont'd)					
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Bedford, Burlington, Lowell, Tyngsboro and Westford	$ 7.31	.55			
North Reading and Reading	8.05	.385	.30		
PLASTERERS' TENDERS	7.75	.60	.70		.10
PLUMBERS:					
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston and Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westboro and Wilmington	10.77	1.10	.60		.02
All work, including demoltiion, repair and alteration of any existing structure which is intended for predominantly residential use:					
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston and Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford and Wilmington	8.94	1.10	.60		.02
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston and Main RR), Ft. Devens, Groton, Shirley and Townsend	10.02	.60	.65	.40	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Ashland, Belmont, Concord, Framingham, Holliston, Hopkington, Lexington, Linclon, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland and Weston	$ 11.47	$ 1.23	.85		.05
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Ashland, Belmont, Concord, Framington, Holliston, Hopkington, Lexington, Lincoln, Marlboro, Maynard, Natrick, Sherborn, Stow, Sudbury, Waltham, Wayland and Weston	9.54	.98	.85	.05	
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, North Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester and Woburn	11.95	1.02	1.28		.05
ROOFERS:					
Journeymen roofers	10.20	.70	1.55		.05
Re-roofing and repairs	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
SHEET METAL WORKERS	10.98	1.16	1.35		.06
SPRINKLER FITTERS	12.08	.65	.95		.08
STEAMPITTERS:					
Acton, Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, North Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester and Woburn	12.36	.94	1.20		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STEAMPITTERS: (Cont'd)					
Ayer (except portion lying west of the Greenville Branch of the Boston and Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tynsboro, Westford and Wilmington	$ 10.02	.50		.02	
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston and Main RR), Ft. Devens, Shirley and Townsend	9.20	— .30	.40	4%	.05
Remainder of County	9.77	.53	.55		.05
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS: (except Cities and Towns of Acton, Ashby, Ayer, Boxboro, Dunstable, East Pepperell, Ft. Devens, Groton, Littleton, North Acton, North Pepperell, Pepperell, Shirley, South Acton, Townsend and West Acton	9.80	.85	1.10		
TILE SETTERS: (Acton, Ashby, Ayer, Boxboro, Dunstable, East Pepperell, Ft. Devens, Groton, Littleton, North Acton, North Pepperell, Pepperell, Shirley, South Acton, Townsend and West Acton)	9.45	.60	.60		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, and Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

HEAVY and HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 7.75	.60	.75		.10
Class II	8.00	.60	.75		.10
Class III	8.25	.60	.75		.10
Class IV	8.50	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders; Cement finisher tenders; Laborers, wrecking laborers

Class II: Asphalt rakers; Fence and guard rail erectors; Laser beam operator; Mason tender; Pipelayer; Pneumatic drill operaror; Pneumatic tool operator; Wagon drill operator

Class III: Air track operator; Block pavers; Rammers; Curb setters

Class IV: Blasters, powdermen

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	11.05	1.10	1.00	a	.03
CLASS II	10.93	1.10	1.00	a	.03
CLASS III	9.21	1.10	1.00	a	.03
CLASS IV	10.06	1.10	1.00	a	.03
CLASS V	8.14	1.10	1.00	a	.03
CLASS VI	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	11.05	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	10.93	1.10	1.00	a	.03
GROUP 3	9.21	1.10	1.00	a	.03
GROUP 4	10.06	1.10	1.00	a	.03
GROUP 5	8.14	1.10	1.00	a	.03
GROUP 6	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generator lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	11.05	1.10	1.00	a	.03
GROUP II	12.10	1.10	1.00	a	.03
GROUP III	11.00	1.10	1.00	a	.03
GROUP IV	10.93	1.10	1.00	a	.03
GROUP V	9.21	1.10	1.00	a	.03
GROUP VI	10.06	1.10	1.00	a	.03
GROUP VII	8.14	1.10	1.00	a	.03
GROUP VIII	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

BUILDING, HEAVY and HIGHWAY CONSTRUCTION

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 7.99	.695	.725	a+b	
Class II	8.14	.695	.725	a+b	
Class III	8.19	.695	.725	a+b	
Class IV	8.29	.695	.725	a+b	
Class V	8.39	.695	.725	a+b	
Class VI	8.64	.695	.725	a+b	
Class VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

Class I: Station wagons, Panel trucks and pickup trucks

Class II: Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, Warehousemen, Forklift operators

Class III: Three axle equipment and Tiremen

Class IV: Four and five axle equipment

Class V: Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

Class VI: Specialized earth moving equipment over 35 tons

Class VII: Trailers for earth moving equipment (double hookup)

FOOTNOTES:

A. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Plymouth
DECISION NUMBER: MA78-3031 DATE: Date of Publication
Supersedes Decision No. MA77-3071 dated August 22, 1977, in 42 FR 37733
DESCRIPTION OF WORK: Building Construction (including Residential) heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lakeville, Mattapoisett, Middleboro, Rochester and Wareham	$ 10.28	$1.00	$ 1.18		
Remainder of County	11.36	1.10	.95		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS; CEMENT MASONS and STONEMASONS:					
Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Rockland, West Bridgewater and Whitman	10.35	.85	1.15		.06
Residential	8.28	.85	1.15		.06
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use.					
Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Rockland, West Bridgewater and Whitman	8.80	.85	1.15		.06
BRICKLAYERS; CEMENT MASONS; PLASTERERS and STONEMASONS:					
Hingham, Hull, Scituate and the Islands of Quincy	10.65	.85	.85		.06
Residential	8.52	.85	.85		.06
Lakeville	10.15	1.10	.80		.06
Residential	8.36	1.10	.80		.06
Marion, Mattapoisett, Rochester and Wareham	10.75	.80	.80		.06
Residential	8.53	.80	.80		.06
CARPENTERS; SOFT FLOOR LAYERS:					
Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland and Scituate	10.70	.60	1.00		.07
Remainder of County	9.90	.60	1.00		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS; SOFT FLOOR LAYERS (Cont'd)					
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:					
Remainder of County	8.415	.60	1.00		.07
ELECTRICIANS:					
Hingham, Hull	11.25	.75	3%+1.55		.05
Mattapoisett, Rochester and Wareham	10.00	.90	3%+.85		a
Residential	5.70	.40	3%+.50		a
Lakeville and Middleboro	11.00	.75	3%+.25		.1%
Residential	8.00	.75	3%+.25		.1%
Remainder of County:					
Electrical contracts $50,000 or more	11.55	6%	7%	2%	.5%
Electrical contracts under $50,000	9.15	6%	7%	2%	.5%
Residential	9.60	.50	7%	2%	.5%
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use.					
Remainder of County	9.82	6%	7%	2%	.5%
ELEVATOR CONSTRUCTORS	11.50	.745	.56	4%+b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56	4%+b+c	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester and Wareham	8.88	.52	1.03		.01
Remainder of County	10.40	.57	.64		.03
IRONWORKERS:					
Bridgewater, Brockton, Hanover, Hanson, Marshfield, Norwell, Pembroke, Rockland, Scituate, West Bridgewater and Whitman	10.84	1.00	1.50		.06
Lakeville, Marion, Mattapoisett, Middleboro, Rochester and Wareham	9.43	.70	1.50		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING):					
Laborers, Carpenter tenders, and wrecking laborers	$ 7.75	.60	.75		.10
Jackhammer operator; Pavement breakers; Asphalt rakers; Carbide core drilling machine; Chain saw operators; Pipelayer; Barco type jumping tampers; Laser beam operators, concrete pumps operators; Mason tenders; Mortar mixers, Ride-on motorized buggy operators; Fence and beam erectors	8.00	.60	.75		.10
Air track; Block pavers; Rammers; Curb setters	8.25	.60	.75		.10
Blasters, Powdermen	8.50	.60	.75		.10
Open air caisson, cylindrical work and boring crew:					
Laborers, Top man	7.75	.60	.75		.10
Helper	8.87	.60	.75		.10
Bottom man	8.50	.60	.75		.10
Driller	8.62	.60	.75		.10
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use.					
Laborers	6.59	.60	.75		.10
LATHERS	10.55	.65	.55		
LEADBURNERS	8.75	.30		d	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	e	3/8of1%
Equipment Operator	11.28	.70	3%+.50	e	3/8of1%
Groundmen	7.68	.70	3%+.50	e	3/8of1%
Driver Groundman	9.03	.70	3%+.50	e	3/8of1%
MARBLE & TILE SETTERS and TERRAZZO WORKERS	10.00	.85	1.10		
MARBLE SETTERS' HELPERS	8.71	.85	.25		
MILLWRIGHTS	10.75	.60	1.00		.07
PAINTERS:					
Marion, Mattapoisett, Rochester and Wareham:					
Brush, rollers and taping	8.75	.70	.65		
Spray	10.00	.70	.65		
Steel	12.00	.70	.65		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Sandblasting, chipping hammer, power brush	$ 10.25	.70	.65		
Paperhangers and vinyl installers	9.25	.70	.65		
Remainder of County:					
Brush, taper (New construction)	10.06	.82	1.15		.04
Steel (New construction)	12.18	.82	1.15		.04
Spray (New construction)	11.06	.82	1.15		.04
Brush (repaint, alterations, residential)	8.51	.82	1.15		.04
Steel (repaint, alterations, residential)	12.18	.82	1.15		.04
Spray (repaint, alterations, residential)	9.61	.82	1.15		.04
Sign Painters	8.80	.84	.35	.32	.04
All work, including demolition, repair and alteration of any existing structure which is intented for predominantly residential use.					
Remainder of County	8.55	.84	.35	.32	.10
PILEDRIVERMEN:					
Marion, Mattapoisett, Rochester and Wareham	8.75	.50	.50		.02
Remainder of County	10.45	.60	1.00		
PLASTERERS:					
Norwell	9.25	.45	1.30		.02
Veneer plasterers	8.85	.45	.30		.02
Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pembroke, Plymouth, Plympton, Rockland, West Bridgewater and Whitman	8.45	.55	.45		.02
PLASTERERS' TENDERS:					
Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, West Bridgewater and Whitman	7.75	.60	.70		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Marion, Mattapoisett, Rochester and Wareham	$ 10.35	.95	$ 1.27		.20
Residential	8.91	.76	1.16		.15
Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, West Bridgewater and Whitman	10.95	.80	.80		.05
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use: Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, West Bridgewater and Whitman	9.31	.80	.80		.05
PLUMBERS, GASFITTERS:					
Hingham, Hull and Scituate	10.25	.70	.60		.03
PLUMBERS, STEAMFITTERS:					
Lakeville, Middleboro	8.97	.60	.73		
ROOFERS:					
Abington, Bridgewater, East Bridgewater, Halifax, Hanover, Hanson, Marshfield, Norwell, Pembroke, Plympton, Rockland, Scituate and West Bridgewater	10.20	.70	1.55		.05
Reroofing and repair	9.65	.70	1.55		.05
Pitch work	11.20	.70	1.55		.05
Brockton	8.50				
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham and Hingham					
Roofers and Kettlemen	9.20	.60	.20		
Mechainc on shingle work	7.36	.60	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Marion, Mattapoisett, Rochester and Wareham	$ 9.48	.95	.45		
Remainder of County	10.98	1.16	1.35		.06
SPRINKLER FITTERS	12.08	.65	.95		.08
STEAMPITTERS:					
Marshfield, Hingham, Hull, Scituate	11.96	.94	1.00		.07
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS' HELPERS	7.94	.40	.25		.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contribution of $1.00 per journeyman electricians per week.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service vacation pay credit.
c. Holidays: A through F.
d. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. Holidays: A through F, and Bunker Hill Day, provided the employee has been employed 5 working days prior to any one the listed holidays.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY and HIGHWAY CONSTRUCTION					
LABORERS					
Class I	$ 7.75	.60	.75		.10
Class II	8.00	.60	.75		.10
Class III	8.25	.60	.75		.10
Class IV	8.50	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

Class II: Asphalt rakers, fence and guard rail erectors, laser beam operator, mason tender, pipelayer, penumatic drill operator, pneumatic tool operator, wagon drill operator

Class III: Air track operator, block pavers, rammers, curb setters

Class IV: Blasters, powdermen

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION:					
POWER EQUIPMENT OPERATORS:					
CLASS I	11.05	1.10	1.00	a	.03
CLASS II	10.93	1.10	1.80	a	.03
CLASS III	9.21	1.10	1.00	a	.03
CLASS IV	10.06	1.10	1.00	a	.03
CLASS V	8.14	1.10	1.00	a	.03
CLASS VI	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.05	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	10.93	1.10	1.00	a	J3
GROUP 3	9.21	1.10	1.00	a	.03
GROUP 4	10.06	1.10	1.00	a	.03
GROUP 5	8.14	1.10	1.00	a	.03
GROUP 6	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

BUILDING, HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Class I	$ 7.99	.695	.725	a+b	
Class II	8.14	.695	.725	a+b	
Class III	8.19	.695	.725	a+b	
Class IV	8.29	.695	.725	a+b	
Class V	8.39	.695	.725	a+b	
Class VI	8.64	.695	.725	a+b	
Class VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

Class I: Station wagons, Panel trucks and pickup trucks

Class II: Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, Warehousemen, Forklift operators

Class III: Three axle equipment and Tiremen

Class IV: Four and five axle equipment

Class V: Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

Class VI: Specialized earth moving equipment over 35 tons

Class VII: Trailers for earth moving equipment (double hookup)

FOOTNOTES:

A. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	11.05	1.10	1.00	a	.03
GROUP II	12.10	1.10	1.00	a	.03
GROUP III	11.00	1.10	1.00	a	.03
GROUP IV	10.93	1.10	1.00	a	.03
GROUP V	9.21	1.10	1.00	a	.03
GROUP VI	10.06	1.10	1.00	a	.03
GROUP VII	8.14	1.10	1.00	a	.03
GROUP VIII	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derricks boats, trenching, mechanics hoists pavement breakers, cement concrete pavers, draglines, hoisting engines, pump-crete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour - Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bull-dozers, tractors york rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

CLASSIFICATIONS

GROUP VI - Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Worcester
DECISION NUMBER: MA78-3033 DATE: Date of Publication
Supersedes Decison No. MA77-3073 dated September 16, 1977, in 42 FR 46883
DESCRIPTION OF WORK: Building Construction (including Residential) heavy and highway construction

BUILDING , HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.47	.57	.65		
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, PLASTERERS and STONEMASONS:					
Warren	9.55	.55	.80		.03
Hopedale, Milford and Southboro	10.15	1.20	1.00		.08
Ashburnham, Athol, E. Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Luneburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Wesminster and Winchendon	10.75	.90	.70		.06
Remainder of County	10.00	.80	.95		.02
CARPENTERS, SOFT FLOOR LAYERS:					
Blackstone, Millville	9.40	.65	.90		.05
Hardwick, Warren, W. Brookfield	10.00	.60	.65		.02
Remainder of County	10.70	.60	1.00		.07
ELECTRICIANS:					
Warren, W. Warren	9.85	.70	3%+.30	.43	.03
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenbueg, Phillipston, Westminster, and Winchendon	10.55	.75	3%+.70		.02
Remainder of County	10.79	8%	5½%+.30		.01
ELEVATOR CONSTRUCTORS	10.32	.445	.29	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
East Douglas	8.68	.52	.85		.01
Remainder of County	10.40	.57	.64		.03
IRONWORKERS:					
Southboro	10.84	1.00	1.50		.06
Blackstone	9.43	.70	1.50		.03
Remainder of County	10.59	1.00	1.50		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING):					
Laborers, Carpenter tenders and wrecking laborers	$ 7.75	.60	.75		.10
Jackhammer operators, Pavement breakers, Aspahlt rakers, Carbide core drilling machine, Chain saw operators, Pipelayers, Barco type jumping tampers, Laser beam, Concrete pump, Mason tenders, Mortar mixers, Ride-on motorized buggies, and fence and beam rail erectors and plasterers' tenders	8.00	.60	.75		.10
Air track, Block pavers, Rammers and Curb setters	8.25	.60	.75		.10
Blasterers and powdermen	8.50	.60	.75		.10
Open air caisson and cylindrical work and boring crew:					
Laborer, Topman	7.75	.60	.75		.10
Helper	7.87	.60	.75		.10
Bottom men	8.50	.60	.75		.10
Driller	8.62	.60	.75		.10
LATHERS:					
Sturbridge and Warren	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
Blackstone and Lunenburg	9.25	.45	.55		
Remainder of County	10.12	1.65	.25		.01
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	12.00	.70	3%+.50	d	3/8of1%
Equipment operator	11.28	.70	3%+.50	d	3/8of1%
Driver groundman	9.03	.70	3%+.50	d	3/8of1%
Groundman	7.68	.70	3%+.50	d	3/8of1%
MARBLE SETTERS:					
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	10.00	.85	1.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS: (Cont'd)					
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Okham, Oxford, Paxton, Rutland, Shrewsburg, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, West Boylston, Westboro and Worcester	$ 9.00	.70	.60		.02
Warren	9.55	.55	.55		.03
MARBLE SETTERS' HELPERS	8.71	.60	1.00		.07
MILLWRIGHTS	10.75	.60	1.00		.07
PAINTERS:					
Warren, West Warren:					
Brush and roller	8.97	.75	.55		.03
Spray	11.96	1.00	.7333		.04
Swing stage under 40' steel	9.157	.75	.55		.03
Swing stage over 40' steel	9.47	.75	.55		.03
Holedale, Mendon, Milford, Southboro, Upton and Westboro:					
Brush (New construction), Paperhangers and Tapers	9.00	.85	.70		.06
Brush (Repaint)	8.45	.85	.70		.06
Remainder of County:					
Brush	10.06	.82	.95		.02
Steel	12.18	.82	.95		.02
Sandblasting; Spray	11.06	.82	.95		.02
Repaint	8.61	.82	.95		.02
Residential	7.545				
PILEDRIVERMEN	10.45	.60	1.00		
PIPEFITTERS:					
Holedale and Southboro	9.97	.53	.55		.05
Remainder of County	10.18	.45	.40		.05
Pondville	12.06	.94	1.20		.07
PLUMBERS:					
Hopedale and Southboro	11.47	1.23	.85		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster and Winchendon	$ 10.02	.60	.65	.40	.05
Remainder of County	10.83	.65	.45		.05
ROOFERS	10.00	1.12	.63		
SHEET METAL WORKERS	10.20	.85	.75		.05
SPRINKLER FITTERS	12.08	.65	.95		.08
TERRAZZO WORKERS and TILE SETTERS:					
Ashburnham, Pitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling and Westminster Counties	9.80	.85	1.10		
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro and Worcester Counties	9.00	.70	.60		.02
Warren County	9.55	.55	.55		.03
Hubbardston, Gardner, Phillipston, Petersham, Athol, Royalston, Winchenden (only Tile Setters)	9.45	.60	.60		.04
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS' HELPERS	8.71	.85	.25		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F and Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 7.75	.60	.75		.10
Class II	8.00	.60	.75		.10
Class III	8.25	.60	.75		.10
Class IV	8.50	.60	.75		.10

CLASSIFICATIONS

Class I: Carpenter tenders, Cement finisher tenders, Laborers, Wrecking laborers

Class II: Asphalt rakers, Fence and guard rail erectors, Laser beam operator, Mason tender, Pipelayer, Pneumatic drill operator, Penumatic tool operator, Wagon drill operator

Class III: Air track operator, Block pavers, Rammers, Curb setters

Class IV: Blasters, Powdermen

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Royalston, Phillipsbon, Athol, Petersham, Hardwick, New Braintree, Brookfield, E. Brookfield, N. Brookfield, Oakham, Barre, Templeton, Winchendon, Sturbridge, W. Brookfield & Warren:					
CLASS I	9.73	.85	.75	a	.07
CLASS II	9.53	.85	.75	a	.07
CLASS III	9.33	.85	.75	a	.07
CLASS IV	8.96	.85	.75	a	.07
CLASS V	8.24	.85	.75	a	.07
CLASS VI	7.78	.85	.75	a	.07
CLASS VII	7.03	.85	.75	a	.07

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Bakchoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (Struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton

CLASS IV Asphalt Roller-under 10 ton

CLASSIFICATIONS CONT'D

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts ip to 15 feet

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Sturbridge, Brookfield, N&E Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwich, New Braintree, W. Brookfield, and Warren:					
CLASS I	9.73	.85	.75	a	.07
CLASS II	9.53	.85	.75	a	.07
CLASS III	9.33	.85	.75	a	.07
CLASS IV	8.96	.85	.75	a	.07
CLASS V	8.24	.85	.75	a	.07
CLASS VI	7.78	.85	.75	a	.07
CLASS VII	7.03	.85	.75	a	.07
* The Above Rates Are For Contracts $175,000.00 and Above					
POWER EQUIPMENT OPERATORS:					
CLASS I	9.45	.85	.75	a	.07
CLASS II	9.25	.85	.75	a	.07
CLASS III	9.05	.85	.75	a	.07
CLASS IV	8.68	.85	.75	a	.07
CLASS V	8.00	.85	.75	a	.07
CLASS VI	7.55	.85	.75	a	.07
CLASS VII	6.82	.85	.75	a	.07
* The Above Rates Are For Contracts Under $175,000.00					

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) ()) cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASSIFICATIONS

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	11.05	1.10	1.00	a	.03
CLASS II	10.93	1.10	1.00	a	.03
CLASS III	9.21	1.10	1.00	a	.03
CLASS IV	10.06	1.10	1.00	a	.03
CLASS V	8.14	1.10	1.00	a	.03
CLASS VI	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills,post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paying screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers (other than truck cranes and gradalls)

CLASS VI Oilers on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.05	1.10	1.00	a	.03
Hourly premium for boom lengths including jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
GROUP 2	10.93	1.10	1.00	a	.03
GROUP 3	9.21	1.10	1.00	a	.03
GROUP 4	10.06	1.10	1.00	a	.03
GROUP 5	8.14	1.10	1.00	a	.03
GROUP 6	8.64	1.10	1.00	a	.03

CLASSIFICATIONS

GROUP 1 Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines,three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks

GROUP 2 Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machine, grout pumps, portable steam boilers, portable steam generators, rollers, spreaders. asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers

GROUP 3 Pump (1-3 grouped), compressors, welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing)

CLASSIFICATIONS CONT'D

GROUP 4 Assistant engineers (firemen)

GROUP 5 Oilers (other than truck cranes & gradalls)

GROUP 6 Oilers (on truck cranes & gradalls)

FOOTNOTES:

a. Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day

BUILDING, HEAVY and HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class I	$ 7.99	.695	.725	a+b	
Class II	8.14	.695	.725	a+b	
Class III	8.19	.695	.725	a+b	
Class IV	8.29	.695	.725	a+b	
Class V	8.39	.695	.725	a+b	
Class VI	8.64	.695	.725	a+b	
Class VII	8.89	.695	.725	a+b	

CLASSIFICATIONS

Class I: Station wagons, Panel trucks and pickup trucks

Class II: Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, Warehousemen, Forklift operators

Class III: Three axle equipment and Tiremen

Class IV: Four and five axle equipment

Class V: Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

Class VI: Specialized earth moving equipment over 35 tons

Class VII: Trailers for earth moving equipment (double hookup)

FOOTNOTES:

A. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT78-5022 DATE : Date of Publication
Supersedes Decision No. MT77-5073 dated July 22, 1977, in 42 FR 37738
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.75	.44	$ 1.20		
BOILERMAKERS	10.30	.85	1.00	"	.02
BRICKLAYERS:					
Beaverhead, Deer Lodge, Granite, Jefferson (except Northern Tip of County), Madison, Powell and Silver Bow Counties	10.65		.55		.05
Gallatin and Park Counties	10.90		.55		.05
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Steelwater, Treasure, Wibaux Yellowstone Counties	11.45		.45		
Broadwater, Lewis and Clark and Meagher Counties	10.70	.60	.30		.05
Cascade, Chouteau, Glacier, Pondera and Teton Counties	11.25	.60	.55		.05
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	10.50	.55	.55		.05
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.50	.40	.25		
CARPENTERS:					
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton and Toole Counties					
Carpenters	9.25	.55	.75		.02
Piledrivermen; Saw Filers; Sawmen	9.50	.55	.75		.02
Millwrights	9.75	.55	.75		.02
Blaine and Hill Counties					
Carpenters	8.93	.55	.75		.02
Millwrights	9.43	.55	.74		.02
Piledrivers	9.18	.55	.75		.02
Broadwater, Lewis and Clark and Jefferson Counties					
Carpenters	8.96	.55	.75		.02
Piledrivermen	9.11	.55	.75		.02
Millwrights	9.21	.55	.75		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Deer Lodge, Granite (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) and Powell (area lying south of the N.E. corner of Granite County) Counties					
Carpenters	$ 9.34	.55	.75		.02
Piledrivers	9.59	.55	.75		.02
Millwrights	9.59	.55	.75		.02
Granite (area lying north of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) Lake (southern area, south of and including the Town of Ravalli), Mineral (area southeast of Southeast City limits of the Town of Superior), Missoula, Powell (area lying north of the N.E. corner of Granite County), Ravalli and Sander (Southeastern portion) Counties					
Carpenters	8.86	.55	.75		.02
Millwrights; Piledriver	9.16	.55	.75		.02
Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties					
Carpenters	8.29	.55	.75		.02
Piledrivermen	8.54	.55	.75		.02
Millwrights	8.79	.55	.75		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Flathead, Lincoln, Lake (Northern area including Town of Ravalli from a point where Hwy. #10A and Hwy. #93 intersect), Mineral (Northern area including the Town of Superior), Sanders (except S.E. corner portion) Counties					
Carpenters	$ 8.93	.55	.75		.02
Sawmen; Filers, Piledrivers; carpenters working burned, charred, creosoted or similary treated material	9.13	.55	.75		.02
Millwrights and Machine Erectors	9.28	.55	.75		.02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland and Yellowstone Counties					
Carpenters	8.83	.55	.75		.02
Floor Sander; Sawmen	8.98	.55	.75		.02
Piledrivermen	8.98	.55	.75		.02
Millwrights	9.33	.55	.75		.02
Beaverhead and Silver Bow Cos.					
Carpenters	8.68	.55	1.00	.75	.02
Millwrights and Piledrivermen	9.18	.55	1.00	.75	.02
Gallatin, Madison, Park and Sweetgrass Counties					
Carpenters	8.79	.55	.75		.02
Millwrights and Piledrivermen	9.04	.55	.75		.02
CEMENT MASONS:					
Flathead, Glacier, Lake (North of the City of Ronan), Lincoln and Sanders (North of the City of Plains) Counties	6.95	.37			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Granite (Northern half), Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmsville), Ravalli and Sanders (South portion including the City of Paradise) Counties	$ 9.50	.75	.35		
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland and Yellowstone Counties	7.33	.40			
Gallatin, Park and Sweet Grass Counties	6.50	.35	.25		
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	7.50	.50	.25		
Beaverhead, Deer Lodge, Granite (Southern half), Jefferson (Southern area including Town of Wickes), Madison, Powell (South portion including the Town of Deer Lodge) and Silver Bow Counties	8.95	.50	.50	1.00	
Broadwater, Jefferson (Area north of a line running E-W established south of the Town of Wickes and north of the Town of Basin), Lewis and Clark and Meagher Counties	6.22				
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	8.35	.44			
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	10.70	.80	3%+.35		1/2%
Gallatin County	10.35	.40	3%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	9.85	.55	3%+.50		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Blaine, Hill, Liberty and Phillips Counties					
Electricians	$ 10.35		3%+.50		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	11.65	.55	3%+.75		1/2%
Cable Splicers	11.00	.55	3%+.75		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	10.30	.53	3%+.25		1/2%
Cable Splicers	10.80	.53	3%+.25		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	10.97	.40	3%+.50		1/2%
Cable Splicers	11.42	.40	3%+.50		1/2%
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $30,000)	8.65	.40	3%+.25		1/2%
(Electrical contracts $30,000 or more)	10.25	.40	3%+.25		1/2%
Park and Sweet Grass Counties	9.65	.40	3%+.50		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	10.97	.40	3%+.50		1/2%
Custer and Garfield Counties	9.08		3%		1/2%
ELEVATOR CONSTRUCTORS	10.84	.745	.56		.025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.56		.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silver Bow Cos.	$10.66	.65	$ 1.15		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	11.85	.93	1.00		.10
Remaining Counties (including Northern half of Lewis and Clark County)	10.66	.65	1.15		.05
MARBLE MASONS:					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.50	.40	.25		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweet Grass, Treasure, Wibaux and Yellowstone Counties	11.20		.35		.02
Gallatin and Park Counties	10.05				
Broadwater, Lewis and Clark, Meagher and Jefferson (northern area) Counties	10.70	.60	.30		.05
Cascade, Chouteau, Glacier, Pondera Teton Counties	11.25	.60	.55		.05
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	10.50	.55	.55		.05
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Cos.					
Painter, brush	7.60	.15	.10		
Power taping machine	7.87	.25	.10		
Paint mitts and work over 30 feet	8.12	.25	.10		
Application of cold tar; Spray work; Pressure Roller; Sand blasting and steam cleaning; Stacks and steeples	10.40	.25	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wibaux Yellowstone Counties					
Brush or Roller	$ 8.73	.49	.20		
Steel (brush or roller)	8.98	.49	.20		
Spray	9.96	.49	.20		
Cascade, Chouteau (south of a line running East and West through the Southern limits of Big Sandy), Daniels, Fergus, Glacier (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland(northern area from a line running East and West thru the southern limits of Harlowtown) Counties					
Painter brush, Preparatory work, Pot tender, Parking lot and related work, Roller up to 9 inches	8.94	.49	.40		1/2%
Paperhanger, Brush on steel	9.44	.49	.40		1/2%
Water and Sandblasting, Application of cold tar products, Epoxies, Polyurethanes and acid resistant paints, Spraying and airless spray	11.19	.49	.40		1/2%
Roller over 9" long	12.54	.49	.40		1/2%
Taper	9.34	.49	.40		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg					
Painters	$ 8.02				
Perfataper	8.27				
Paint mitts	8.52				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet	10.80				
Broadwater, Gallatin, Jefferson (northern area from a line running east and west five miles south of the southern city limits of Boulder), Lewis and Clark (Southern portion from a line tunning east and west through the southern limits of Graig), Maidson (east of the west city limits of Harrison), Meagher, Park, Powell (northern area from a line running east and west through the southern city limits of Helmsville)					
Parking lot striping and related work	8.69	.25	.20		.03
Paper Hanger	9.19	.25	.20		.03
Perfataper:					
Hand	9.19	.25	.20		.03
Spray	9.69	.25	.20		.03
Machine	9.94	.25	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the Southern limits of the City of Big Sandy) Counties	8.40				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Flathead, Granite (northern area north limits of Phillipsburg), Lake (Southern area including City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	$ 9.35	.44	.40		.04
PLASTERERS:					
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland and Yellowstone Counties	7.38	.40			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	7.50	.50	.25		
Gallatin, Park and Sweet Grass Counties	6.50	.35	.25		
Granite, Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmsville), Ravalli and Sanders (south portion, including the City of Paradise), Counties	9.50	.75	.35		
Beaverhead, Deer Lodge, Jefferson (Southern area, including the Town of Wickes), Madison, Powell (South of a line running E-W north of the Town of Deer Lodge) and Silver Bow Counties	8.95	.50	.50	1.00	
Flathead, Glacier, Lake (Northern area, including the City of Ronan), Lincoln and Sanders (north of the City of Plains) Counties	6.45	.20			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	$ 11.68	.65	.70		.10
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Cos.	11.60	.65	.95		1%
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweet Grass Counties	11.70	.60	.75		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	11.25	.40	.80		.10
ROOFERS:					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties	8.79		.25		
Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole and Valley Cos.	9.20				
Deer Lodge, Powell and Silver Bow Counties	8.49	.50	.40	.75	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	$ 8.49	.60			.01
Broadwater, Gallatin, Meagher, Park, Sweet Grass, Lewis & Clark, Beaverhead, Jefferson, Madison and Wheatland Counties	8.40	.55			
SHEET METAL WORKERS:					
Broadwater, Jefferson (including North half of the City of Boulder), Lewis and Clark and Meagher Counties	10.31	.77	.25		.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	10.23	.82	.25		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	9.945	.46	3%+.725		.12
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	10.77	.66	.25		.07
Beaverhead, Deer Lodge, Granite, Jefferson (S½), Madison, Powell, and Silver Bow Counties	9.15	.37	.40	1.00	.02
SPRINKLER FITTERS	11.25	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS & TILE SETTERS:				a.	
Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area north of Boulder Hill) Counties	$ 9.75	.30			
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treesure, Wibaus and Yellowstone Counties	11.20		.35		.02
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.50	.40	.25		
Gallatin and Park Counties	10.05				
Cascade, Chouteau, Glacier, Pondera and Teton Counties	9.10	.60	.55		.05

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorila limits of District No. 2				a.	
Group 1	$ 7.71	.55	.45		.05
Group 2	7.46	.55	.45		.05
Group 3	7.62	.55	.45		.05
Group 4	7.96	.55	.45		.05
Group 5	7.56	.55	.45		.05
Group 6	7.68	.55	.45		.05
Group 7	7.75	.55	.45		.05
Group 8	8.06	.55	.45		.05
Group 9	7.58	.55	.45		.05
Broadwater, Lewis & Clark Meagher, North half of Jefferson County including the City of Boulder that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston					
Group 1	8.14	.55	.45		.05
Group 2	7.89	.55	.45		.05
Group 3	8.05	.55	.45		.05
Group 4	8.39	.55	.45		.05
Group 5	7.99	.55	.45		.05
Group 6	8.11	.55	.45		.05
Group 7	8.18	.55	.45		.05
Group 8	8.49	.55	.45		.05
Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (taht portion lying east of the Gravely Mountain Range), Park and Wheatland County					
Group 1	7.88	.55	.45		.05
Group 2	7.63	.55	.45		.05
Group 3	7.79	.55	.45		.05
Group 4	8.13	.55	.45		.05
Group 5	7.73	.55	.45		.05
Group 6	7.85	.55	.45		.05
Group 7	7.92	.55	.45		.05
Group 8	8.23	.55	.45		.05

LABORERS

Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the Territorial limits of District No. 2

Group 1: Asphalt raker; Concrete laborers (wet or dry); Bucket men and signalmen; Drills, air-tract, self-propelled; Cat or truck mounted air operated drills; Drills, air-tract, self-propelled mustang type and similar; Grade setter; High scaler; High pressure machine nozzleman; Power saw (falling); Sandblaster

Group 2: Axeman; Carpenter tender; Caisson worker (free air); Chuck tender and nipper (above ground); Cosmolene applying and removing; Dumpman (spotter); Fence erector and installer (includes the installation and erection of fences, guard rails, median rails, reference post, right-of-way markers and guide post); Flagman; Form stripper; Form setter; General laborer; Crusher and batch plant Heater tender - not covered by joint board decision such as the radiant type of butane fire, without blowers or fans; Landscape laborer; Riprap helpers; Sandblaster tail hoseman; Pot tender; Scaleman; Sod cutter, hand operated (general laborers); Stake jumper for equipment; Tool checker, toolhouseman

Group 3: Burning bar; Curb machine; Dumpman (grademan); Pipelayer (all types); Laser equipment; Powderman helper; Spike driver, single or dual or hand; Switchmen

Group 4: Cement Mason tender and hod carriers; Powderman

Group 5: Cement handlers; Concrete or asphalt saws; Hand faller; Nozzleman - air water; Gunite and placo machine; Pipe wrapper; Post hole digger (power auger); Riprapper

Group 6: Choker setter; Jackhammer; Pavement breaker; Wagon driller; Concrete vibrator; Mechanical tamper; Vibrating roller, hand steered and other power tools; Power saw (bucking); Power driven wheelbarrow; Rigger; Grout, concrete pumps and nozzleman

Group 7: Concrete vibrator (3" and over); Drills, air-tract with dual masts

Group 8: Core drill operator, welder, air arc, cutting torch

Group 9: Tar pot operator

LABORERS (Cont'd)

Broadwater, Lewis & Clark, Meagher, North half of Jefferson County including the City of Boulder that portion of Powell County lying east of a North-south line at west edge of the Town of Elliston

Group 1: Asphalt raker; Drillers; Air-tract, self-propelled; Cat or truck mounted air operated drills; Drills, air-tract, self-propelled mustang type and similar; Grade setter; High scaler; High pressure machine; Nozzleman; power saw (falling); Sandblaster

Group 2: Axeman; Carpenter tender; Car and truck loaders; Scissorman; Caisson workers (free air); Chuck tender and nipper (above ground); Concrete laborers (wet or dry); Bucketmen and signalmen; Cosmolene (applying and removing; Dumpman (spotter); Fence erector and installer (includes the installation and erection of fences, guard rials, median rails, reference post, right-of-way markers and guide post); Flagman; Form stripper; Form setter; General laborer, crusher and batch plant laborers; Heater tender - not covered by joint board decision - such as the radiant type of butane fire, without blowers or fans; Landscape laborer; Riprap helper; Sandblaster tail hoseman; Pot tender; Scaleman; Sod cutter, hand operated (general laborers); Stake jumper for equipment; Tool checker, toolhouseman

Group 3: Burning bar; Curb machine; Dumpman (grademan); Pipelayer (all types); Laser equipment; Powderman helper; Spike driver, signle or dual or hand; Switchmen

Group 4: Cement mason tender and hod carriers; Powderman

Group 5: Cement handlers; Concrete or asphalt saws, hand faller; Nozzleman - air water; Gunite and placo machine; Pipe wrapper; Post hole digger (power auger); Riprapper

Group 6: Choker setter; Jackhammer; Pavement breaker; Wagon driller; Concrete vibrator; Mechanical tamper; Vibrating roller, hand steered and other power tools; Power saw (bucking); Power driven wheelbarrow; Rigger; Tar pot operator; Grout, concrete and nozzleman

Group 7: Concrete vibartor (3" and over), drills, air track with dual masts

Group 8: Core drill operator; Welder, air arc, cutting torch

LABORERS (Cont'd)

Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park and Wheatland County

Group 1: Asphalt raker; Drills, air-tract, self-propelled; Car or truck mounted air operated drills; Drills, air-tract, self-propelled mustang type and similar; Grade setter; High scaler; High pressure machine Nozzleman; Power saw (falling); Sandblaster

Group 2: Axeman; Carpenter tender; Car and truck loader; Scissorman; Caisson workers (free air); Chuck tender and nipper (above ground); Cosmolene applying and removing; Dumpman (spotter); Fence erector and installer (includes the installation and erection of fences, guard rails, median rails, reference post, right-of-way markers and guide post); Flagman; Form stripper; Form setter; General laborer; Crusher and batch plant laborers; Heater tender - not covered by joint board decision - such as the radiant type of butane fire, without blowers or fans; Landscape laborer; Riprap helper; Sandblaster tail hoseman; Pot tender; Scaleman; Sod cutter, hand operated; Stake jumper for equipment; Tool checker, toolhouseman

Group 3: Burning bar; Curb machine; Dumpman (grademan); Pipelayer (all types); Laser equipment; Powderman helper; Spike driver, single or dual or hand; Switchmen

Group 4: Cement mason tender and hod carriers; Powderman

Group 5: Cement handlers; Concrete or asphalt saws, hand faller; Nozzleman - air water; Mixer operator, gunite and placo machine; Pipe wrapper; Post hole digger (power auger); Riprapper

Group 6: Choker setter; Jackhammer; Pavement breaker; Wagon driller; Concrete vibrator; Mechanical tamper; Vibrating roller, hand steered and other power tools; Power saw (bucking); Power driven wheelbarrow; Rigger; Tar pot operator; Grout; Concrete pump and nozzleman

Group 7: Concrete vibrator (3" and over), drill, air tract with dual masts

Group 8: Core drill operator; Welder, air arc, cutting torch

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel					
Group 1	$ 8.02	.55	.45		.05
Group 2	8.19	.55	.45		.05
Group 3	8.36	.55	.45		.05
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties					
Group 1	7.55	.55	.45		.05
Group 2	7.77	.55	.45		.05
Group 3	7.80	.55	.45		.05
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Group 1	7.70	.55	.45		.05
Group 2	7.92	.55	.45		.05
Group 3	7.95	.55	.45		.05
Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties					
Group 1	7.965	.55	.45		.05
Group 2	8.125	.55	.45		.05
Group 3	8.365	.55	.45		.05

LABORERS (Cont'd)

Flathead, Glacier National Park, Lincoln, and that portion of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General laborers; Scaleman; Form strippers; Car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete; Nozzlemen (air or water); Sand blast tail hose man; Powderman helper; Power driven Wheelbarrow; Rodder and spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt rakers; Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer; Pavement breaker; Vibrator; Mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic); Metal culvert pipe layers; Mason and plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, air-trac, wagon drill, cat or truck mounted air operated drills, Sand blaster (wet or dry); Gunite Nozzleman; Barco tamper

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: General laborers

Group 2: Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operator; Pipewrappers

Group 3: Mason and plasterer's tenders

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: General laborers; Concrete laborers; Chuck tenders and nippers

Group 2: Cement handler (sack or bulk); Jackhammer operator; Mortarman; Pipelayer (all types); Pipewrapper; Primerhouseman

Group 3: Mason and Plasterer's tenders

Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Counties

Group 1: Laborers

Group 2: All power tools; Creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete Mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plaster pump

LABORERS (Cont'd)

Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.35	.55	.45		.05
Group 2	8.10	.55	.45		.05
Group 3	8.26	.55	.45		.05
Group 4	8.60	.55	.45		.05
Group 5	8.20	.55	.45		.05
Group 6	8.32	.55	.45		.05
Group 7	8.39	.55	.45		.05
Group 8	8.70	.55	.45		.05
Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Cos.					
Group 1	8.10	.50	.40		.03
Group 2	8.20	.50	.40		.03
Group 3	8.35	.50	.40		.03
Group 4	8.50	.50	.40		.03
Group 5	8.60	.50	.40		.03
Group 6	8.85	.50	.40		.03

Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park, Judith-Basin, Pondera, Teton and Toole Counties

Group 1: General and building laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrials, mediam rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1½" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader; Form Stripper; Caisson Workers (free air); Vibrator 1½" to 2½" in diameter

Group 2: Concrete or Asphalt Saws; Creosote material handler; Curb Machine form setter (slab steel forms); Diamond drills up through 3 inches in diameter; Jackhammer, pavement breaker, Wagon driller, cat or truck mounted air operated drills, and other air tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical tampers; Nozzlemen, air and water, gunite and Placo, Machine (grout); Pipe layer (all types); Power saw (bucking and falling); Power driven wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 3: Sand Blaster

LABORERS (Cont'd)
Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park, Judith-Basin, Pondera, Teton and Toole Counties

Group 4: Vibrators, 2½" to 4" in diameter; Brick tenders; Dumpmen (grade); Small Concrete Mixers

Group 5: Diamond drills up through 6 inches in diameter; Hod Carriers and plaster tenders (1-one mixerman per crew); Asphalt raker and tamper; High scaler; Powderman helper; Concrete nozzleman; Miners; Barco Tamper; Air-trac

Group 6: Diamond drill, over 6 inches in diameter; Self-propelled drills, with the exception of size differential, such as Mustang drills or twin stack drills; Core drill operator; Laser equipment and tools, excluding transit; Powderman

Group 7: Concrete Vibrator, 4" and over

Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties

Group 1: General and building laborers' and scale men; Form stripper and Carpenter tender; Car and truck loaders; Concrete laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (spotter and flagman); Small power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts, and right-of-way markers

Group 2: Dumpmen (grade)

Group 3: Power driven concrete buggies or power driven wheelbarrows; Pipe layers (non-metallic); Sandblaster, Concrete nozzleman, Place operator, Jackhammer, Pavement breaker, Vibrator (2½ inches and over) Barco Tamper, Vibrator Turtle; Small concrete mixers, concrete saw; Nozzleman (air and water); Sandblaster, tailhoseman, pot tender, tar pot tender; Gunite nozzleman; Caisson workers (free air); Tunnels and shafts (free air); Bull gang, pot tender; Chuck tender, muckers and nippers, Primerhouseman

Group 4: Brick tenders handling bricks and blocks only)

Group 5: Hod carriers and plaster tenders (men carrying motor either by hod, pail or barrow); High scaler; Wagon driller, cat or truck mounted air operated drills; Asphalt rakers and tampers, Gunite, Form Setter (slab steel forms); Stake setter, Stake jumper, Rodder and spreader, Grademan; Concrete nozzleman; Miners

Group 6: Powdermen; Laser Tools and Equipment

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 9.85	.55	.55	.35	.05
Air Compressor, single	9.54	.55	.55	.35	.05
Air Compressor, two or more	9.06	.55	.55	.35	.05
Air Doctor	10.01	.55	.55	.35	.05
Asphalt Paving Machine	10.01	.55	.55	.35	.05
Asphalt Paving Machine Screed	10.01	.55	.55	.35	.05
Automatic Finegrader, Gurries and other similar types	10.14	.55	.55	.35	.05
Belt Finish Machine	9.71	.55	.55	.35	.05
Bit Grinder	10.01	.55	.55	.35	.05
Bituminous Mixer Paving, Travel Plant	10.01	.55	.55	.35	.05
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	9.60	.55	.55	.35	.05
Boring Machine (large)	10.01	.55	.55	.35	.05
Broom, Self-propelled	9.68	.55	.55	.35	.05
Cableway Highline	10.52	.55	.55	.35	.05
Cement Silo	9.80	.55	.55	.35	.05
Central Mixing Plants, Concrete dam and stationary	10.26	.55	.55	.35	.05
Chain Bucket Loader	9.73	.55	.55	.35	.05
Chip or Gravel Spreader, Self-propelled	9.73	.55	.55	.35	.05
Concrete Batch Plant, one and two mixers	10.01	.55	.55	.35	.05
Concrete Batch plant, three and four mixers	10.21	.55	.55	.35	.05
Concrete Batch Plant, five mixers and over	10.41	.55	.55	.35	.05
Concrete Batch Plant Oiler, up to and including two mixers	9.53	.55	.55	.35	.05
Concrete Batch Plant Oiler, three mixers and over	9.84	.55	.55	.35	.05
Concrete Bucket Dispatcher	10.01	.55	.55	.35	.05
Concrete Curing Machine	10.01	.55	.55	.35	.05
Concrete Finish Machine Paving	10.01	.55	.55	.35	.05
Concrete Float-Spreader	10.01	.55	.55	.35	.05
Concrete Mixer, three bags and under	9.60	.55	.55	.35	.05
Concrete Mixer, four bags and over	9.77	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Power Saw, self-propelled	$ 10.01	.55	.55	.35	.05
Concrete Travel Batcher	10.01	.55	.55	.35	.05
Concrete Conveyor under 40 ft.	9.59	.55	.55	.35	.05
Concrete Conveyor over 40 ft.	10.34	.55	.55	.35	.05
Concrete Pump	10.34	.55	.55	.35	.05
Conveyor Loader Operator, up to and including 42' belt	9.59	.55	.55	.35	.05
Conveyor Loader Operator over 42" belt	9.71	.55	.55	.35	.05
Crane, to and including 80' boom	10.17	.55	.55	.35	.05
Crane, 81' to 130' boom	10.32	.55	.55	.35	.05
Crane, 131' to 150' boom	10.37	.55	.55	.35	.05
Crane, 151' boom and over	10.42	.55	.55	.35	.05
Crane Oiler	9.58	.55	.55	.35	.05
Crane with jibs an additional $.15 per hour					
Crusher	10.01	.55	.55	.35	.05
Crusher Oiler and Helper	9.50	.55	.55	.35	.05
Crusher Conveyor, when required	9.47	.55	.55	.35	.05
Distributor	10.01	.55	.55	.35	.05
DW 10, 15, or 20 Tractor pulling Roller	9.73	.55	.55	.35	.05
Electric Overhead Cranes	10.19	.55	.55	.35	.05
Elevating Grader	10.01	.55	.55	.35	.05
Farm type Tractor, up to and including 50 HP engine	9.47	.55	.55	.35	.05
Farm type Tractor, over 50 HP engine	9.55	.55	.55	.35	.05
Field Equipment Serviceman	9.93	.55	.55	.35	.05
Field Equipment Serviceman Helper	9.50	.55	.55	.35	.05
Fireman	9.60	.55	.55	.35	.05
Forklift, on construction job site	9.82	.55	.55	.35	.05
Form Grader	9.78	.55	.55	.35	.05
Gradall	10.01	.55	.55	.35	.05
Grade Setter	9.47	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy Duty Drill, all types	$ 10.01	.55	.55	.35	.05
Heavy Duty Driller Helper	9.60	.55	.55	.35	.05
Herman-Nelson Heaters and similar type	9.55	.55	.55	.35	.05
Hoist, two or more drums	10.01	.55	.55	.35	.05
Helicopter Hoist	10.51	.55	.55	.35	.05
Hot Plant	10.01	.55	.55	.35	.05
Hot Plant Fireman, when in operation	10.01	.55	.55	.35	.05
Hot plant Oiler, 100 ton per hour or over	9.50	.55	.55	.35	.05
Hydra lift and similar types	9.91	.55	.55	.35	.05
Industrial Locomotive all classes	10.01	.55	.55	.35	.05
Mechanic and/or Welder on job	10.11	.55	.55	.35	.05
Mechanic and/or Welder Helper on job	9.50	.55	.55	.35	.05
Mechanic, Shop (Dec. 1 to April 1)	9.71	.55	.55	.35	.05
Mechanic Helper, Shop (Dec. 1 to April 1)	9.17	.55	.55	.35	.05
Mixermobile	10.09	.55	.55	.35	.05
Motor Patrol	10.14	.55	.55	.35	.05
Mountain Logger or similar type	10.01	.55	.55	.35	.05
Mucking Machine	10.01	.55	.55	.35	.05
Oiler-Driver, Rubber Tired Cranes	9.58	.55	.55	.35	.05
Oilers, other than shovels and cranes	9.50	.55	.55	.35	.05
Oiler, hoist house, dams	9.91	.55	.55	.35	.05
Pavement Breaker, Emsco and similar	10.01	.55	.55	.35	.05
Paving and Mixing Machine	10.14	.55	.55	.35	.05
Power Auger, Large Truck or Tractor mounted and Punch	10.01	.55	.55	.35	.05
Power Mixer, single or double drum	10.02	.55	.55	.35	.05
Power Saw, multiple cut, self-propelled	10.01	.55	.55	.35	.05
Pumpcrete or Grout Machine	10.01	.55	.55	.35	.05
Pumpman	9.45	.55	.55	.35	.05
Push Tractor	10.01	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Quad Cat	$ 10.31	.55	.55	.35	.05
Quad Loader and similar type	10.59	.55	.55	.35	.05
Radiator Repairman	9.82	.55	.55	.35	.05
Raygo Gaint	10.59	.55	.55	.35	.05
Refrigeration Plant	10.01	.55	.55	.35	.05
Retort	9.60	.55	.55	.35	.05
Roller, on blade or hot mix oil paving	10.01	.55	.55	.35	.05
Roller, on other blade or hot Mix paving	9.71	.55	.55	.35	.05
Roller, 25 ton or over	10.01	.55	.55	.35	.05
Ross and similar type carriers, on construction site	10.01	.55	.55	.35	.05
Rubber-tried Dozer	10.01	.55	.55	.35	.05
Rubber-tired Front End Loader, 1 yard and under	9.72	.55	.55	.35	.05
Rubber-tired Front End Loader, 1 yard to and including 3 yds.	10.01	.55	.55	.35	.05
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	10.13	.55	.55	.35	.05
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	10.23	.55	.55	.35	.05
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	10.33	.55	.55	.35	.05
Rubber-tired Front End Loader, over 15 yards	10.43	.55	.55	.35	.05
Scraper, DW 15, 20, 21 and similar type if power unit is not used	10.01	.55	.55	.35	.05
Scraper, single or twin engine pulling belly dump trailer	10.39	.55	.55	.35	.05
Scraper, single engine	10.14	.55	.55	.35	.05
Scraper, twin engine	10.24	.55	.55	.35	.05
Scraper, tandem engine or 3 engine	10.59	.55	.55	.35	.05
Self-propelled Sheepfoot and similar type	10.01	.55	.55	.35	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shovels, including all attachments, under 1 cu. yd.	$ 10.01	.55	.55	.35	.05
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	10.19	.55	.55	.35	.05
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	10.46	.55	.55	.35	.05
Shovels, including all attachments, over 5 cu. yds.	10.59	.55	.55	.35	.05
Shovel Oiler, 3 yards and under	9.50	.55	.55	.35	.05
Shovel Oiler, over 3 cu. yds.	9.91	.55	.55	.35	.05
Slip Form Paver	10.14	.55	.55	.35	.05
Stiff Leg Derrick and Guy Derrick	10.46	.55	.55	.35	.05
Track-type Front End Loaders, up to and including 5 cu. yds.	10.01	.55	.55	.35	.05
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	10.24	.55	.55	.35	.05
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	10.34	.55	.55	.35	.05
Track-type Front End Loaders, over 15 cu. yds.	10.44	.55	.55	.35	.05
Track-type Tractor w/wo attachments	10.01	.55	.55	.35	.05
Track-type Tractor, on Euclid Loader	10.19	.55	.55	.35	.05
Trenching Machine	10.01	.55	.55	.35	.05
Turnhead Conveyor, or Head Tower on Batch Plant	10.01	.55	.55	.35	.05
Wagner Roller and similar type	10.01	.55	.55	.25	.05
Whirley Crane	10.54	.55	.55	.35	.05
Whirley Crane Oiler	9.91	.55	.55	.35	.05
Water Pull when used for compaction	10.01	.55	.55	.35	.05
Washing and Screening Plant	10.01	.55	.55	.35	.05
Washing and Screening Plant Oiler	9.50	.55	.55	.35	.05
Yo-Yo Cat, both ends	9.56	.55	.55	.35	.05

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Statewide, except Gallatin, Park, Sweet Grass, Broadwater (south of U. S. Highway #12) Counties					
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To and including 4 cu. yds.	$ 9.01	.65	.50		
Over 4 cu. yds. to and including 6 cu. yds.	9.09	.65	.50		
Over 6 cu. yds. to and including 8 cu. yds.	9.17	.65	.50		
Over 8 cu. yds. to and including 10 cu. yds.	9.25	.65	.50		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER and HELPER	8.99	.65	.50		
DRY BATCH TRUCKS:					
3 Batch or under	8.76	.65	.50		
Over 3 Batch to and including 5 Batch	8.89	.65	.50		
Over 5 Batch to and including 10 Batch	9.05	.65	.50		
Over 10 Batch to and including 15 Batch	9.21	.65	.50		
Over 15 Batch - addtional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	8.86	.65	.50		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters and Helpers	8.76	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
WAREHOUSEMEN, Partsmen, Cardex Men, Warehouse Expediter	$ 8.69	.66	.50		
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards					
7 cu. yds. or less	8.76	.65	.50		
Over 7 cu. yds. to and including 10 cu. yds.	8.89	.65	.50		
Over 10 cu. yds. to and including 15 cu. yds.	9.05	.65	.50		
Over 15 cu. yds. to and including 20 cu. yds.	9.19	.65	.50		
Over 20 cu. yds. to and including 25 cu. yds.	9.25	.65	.50		
Over 25 cu. yds. to and including 30 cu. yds.	9.31	.65	.50		
Over 30 cu. yds. to and including 35 cu. yds.	9.37	.65	.50		
Over 35 cu. yds. to and including 40 cu. yds.	9.43	.65	.50		
Over 40 cu. yds. to and including 45 cu. yds.	9.45	.65	.50		
Over 45 cu. yds. - additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	8.89	.65	.50		
SERVICEMEN	9.60	.65	.50		
POWER TRUCK DRIVER (bulk unloader type)	8.94	.65	.50		
FLAT TRUCKS:					
To and including 3 tons	8.91	.65	.50		
over 3 tons Factory rating	9.11	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	$ 9.35	.65	.50		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	9.11	.65	.50		
LUMBER CARRIERS, LIFT TRUCKS AND FORK LIFTS	9.01	.65	.50		
POWER BROOM	8.85	.65	.50		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	8.76	.65	.50		
Over 2,500 gallons to and including 4,500 gallons	9.05	.65	.50		
Over 4,500 gallons to and including 6,000 gallons	9.25	.65	.50		
Over 6,000 gallons to and including 8,000 gallons	9.31	.65	.50		
Over 8,000 gallons to and including 10,000 gallons	9.39	.65	.50		
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT IF UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	9.01	.65	.50		
TRUCK MECHANIC	9.75	.65	.50		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gallatin, Park, Sweet Grass, Broadwater (South of U. S. Highway #12)					
DUMP, 7 yards or less; Pickup; hauling materials; Flat trucks less than 2 ton; Service and A-Frame Trailers	$ 7.08	.60	.30		
HOUSE MOVERS	7.12	.60	.30		
DUMP, over 7 yards to and including yards; Flat trucks 5-8 tons; Semi and four wheel trailers	7.33	.60	.30		
DUMP, over 10 yards to and including 15 yards	7.49	.60	.30		
DUMP, over 15 yards to and including 20 yards	7.63	.60	.30		

MONTANA LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Flathead, Lake and Lincoln Counties					
All construction of "H" fixtures and steel tower transmission lines wihth capacity of 69 K.V. voltages and over, Switch yard and substation rated at 5000 K.V.A. and all work not covered by schedule "B".					
SCHEDULE "A"					
Lineman	$11.11	.45	3%		1/2%
Cable Splicer	12.36	.45	3%		1/2%
Powderman, Jackhammer, Compressorman	8.21	.45	3%		1/2%
Line Equipment Operators	9.46	.45	3%		1/2%
Groundman	6.64	.45	3%		1/2%
Groundman (Experienced)	7.70	.45	3%		1/2%
All work for power utilities except work covered under Schedule "A", all highway lighting, street lighting and motor traffic controlling.					
SCHEDULE "B"					
Lineman	9.93	.45	3%		1/2%
Cable Splicers	11.04	.45	3%		1/2%
Pole Sprayer	9.81	.45	3%		1/2%
Line Equipment Operators	8.61	.45	3%		1/2%
Powderman, Jackhammer, Compressorman	7.50	.45	3%		1/2%
Groundman	7.04	.45	3%		1/2%
Tree Trimmer	10.20	.45	3%		1/2%

MONTANA LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont'd)					
Remainig Counties					
Jobs over 69,000 Volts:					
Lineman, Pole Sprayer	$ 9.74	.45	3%+.25		1/2%
Cable Splicer	10.27	.45	3%+.25		1/2%
Line Equipment Operator; Powderman	8.89	.45	3%+.25		1/2%
Groundman	7.17	.45	3%+.25		1/2%
Jobs 69,000 Volts or less:					
Lineman	9.08	.45	3%+.25		1/2%
Cable Splicer	10.07	.45	3%+.25		1/2%
Line Equipment Operators; Powderman	8.88	.45	3%+.25		1/2%
Groundman	6.11	.45	3%+.25		1/2%
Experienced Groundman (1000 hours); Truck Drivers	6.93	.45	3%+.25		1/2%

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren

DECISION NO.: NJ78-3009

DATE: Date of Publication

Supersedes Decision No. NJ77-3093 dated July 8, 1977 in 42 FR 35567

DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & REFRIGERATION MECHANIC: Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; installation of water-cooled air conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); installation of air-cooled air conditioning that does not exceed 15 tons	$ 8.35	.065	.31	m	.04
ASBESTOS WORKERS:					
ZONE 1	11.60	.80	.90		.025
ZONE 2	12.71	1.09	1.09		.04

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Hunterdon (Alexander, Bethlehem, Bloomsbury, Clinton, Delaware, East Amwell, Flemington, Franklin, Frenchtown, Glen Garden, Hampton, High Bridge, Holland, Kingwood, Lambertville, Labanon, Milford, Raritan, Readington, Stockton, Union, and West Amwell Townships); Middlesex (Cranbury, East Brunswick, Helmetta, Jamesburg, Milltown, Monroe, North Brunswick, Plainsboro, South Brunswick and Spotswood Townships); Somerset (Branchburg, Franklin Hillsborough, Manville, Millstone, Montgomery and Rocky Hill Townships) and Warren (Franklin, Greenwich, Hamony, Lopatcong, Oxford, Phillipsburg, Pohotcong, Washington and White Townships) Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (remainder of county), Middlesex (remainder of county), Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren (remainder of county) Counties.

BOILERMAKERS	11 .57	8%	20%+.25	10%	.01
BOILERMAKERS HELPERS	11 .04	8%	20%+.25	10%	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS:					
ZONE 1	$11.50	.92	.65		.05
ZONE 2	10.50	1.97	.95		.03
ZONE 3	11.35	.84	.65		.02
ZONE 4					
Bricklayers & Stone Masons	12.06	.87	.75		/
Cement Masons	10.95	.75	1.00		
Plasterers	10.95	.75	1.00		.05
ZONE 5	11.20	.90	.55		
ZONE 6	11.30	.75	.70		.02
ZONE 7	11.65	.50	.70		
ZONE 8	11.19	.70	.75		.02
ZONE 9	11.50	.65	.60		.02

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Avenue and Barry's Creek west of the Hackensack River); Essex (Except Millburn Township); Hudson (that portion west of the Hackensack River) and Union (Hillside Township).

ZONE 2 - Bergen (except Wallington, part of East Patterson, Garfield, Lodi, North Arlington, part of Lyndhurst, and part of Edgewater) County.

ZONE 3 - Bergen (remainder of county); Morris (Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale); Passaic and Sussex (that portion north of a line along Route #521 from Dingmans Ferry to Tuttles Corner, along Route #206 to Lafayette, then along North Church Road to Route #32, then along Route #23 to Passaic County Line) Counties.

ZONE 4 - Hudson (remainder of county) County.

ZONE 5 - Middlesex (except Dunellen, South Plainfield, New Market, Middlesex and Oak Tree) and Somerset (Franklin Park only) Counties.

ZONE 6 - Essex (Millburn Township), Middlesex (remainder of county), Morris (Gillette & Sterling) and Union Counties.

ZONE 7 - Hunterdon (Califon, Oldwick, Annadale, Lebanon, White House Station, Readington, Stantion and Three Bridges Townships) and Somerset (remainder of county) Counties.

ZONE 8 - Hunterdon (remainder of county), Morris, (Stephensburg, Pleasant Grove, Middle Valley and Parker Townships), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Townships) and Warren Counties.

ZONE 9 - Morris (remainder of county) and Sussex (remainder of county) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, INSULATORS & MILLWRIGHTS:					
ZONE 1	$10.74	8%	8%+.50		.02
ZONE 2	10.85	.60	1.00	.50	.02
ZONE 3					
Carpenters & Insulators	11.26	8%	7%		1/5 of 1%
Millwrights	11.51	8%	7%		1/5 of 1%
ZONE 4					
Carpenters & Insulators	11.26	8%	7%		1/5 of 1%
Millwrights	11.51	8%	7%		1/5 of 1%
ZONE 5					
Carpenters & Insulators	11.26	8%	7%	5%	1/5 of 1%
Millwrights	11.51	8%	7%	5%	1/5 of 1%

AREA COVERED BY CARPENTERS, ETC. ZONE

ZONE 1 - Bergen (east of the Hackensack River including but not limited to Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia and Coytesville) and Hudson Counties.

ZONE 2 - Hunterdon (starts at the south of the town of Frenchtown on the Delaware River, thence following the line in the center of the road to Baptistown, to Croton to the City of Flemington to Flemington Junction to Three Bridges, thence following the Sommerset County Line northward, all territory south of this line including the City of Flemington) and Somerset (all territory south of a line beginning at Amwell on the County Line to Zion to Fairview to Dutchtown to Plainsville to Belle Mead to Griggstown to the Delaware and Raritan Canal) Counties.

ZONE 3 - Hunterdon (remainder of county), Middlesex, Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren Counties.

ZONE 4 - Essex County

ZONE 5 - Bergen (remainder of county)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOCK BUILDERS & PILEDRIVERMEN	11.45	1.40	1.78	.76	.02
DRYWALL TAPERS & FINISHER	10.60	1.50	.50		.10
ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	13.24	7%	10%		
ZONE 2	12.95	6%	6% + .54		.02
ZONE 3	12.97	6%	3% + .90		.02
ZONE 4	12.95	6%	3% + .50		
ZONE 5	12.80	10%	9% + .58		1.5%
ZONE 6	13.33	6%	8%		
ZONE 7	13.10	6%	3% + .60		
ZONE 8	12.79	6%	3% + .90		.015
ZONE 9	12.79	6%	3% + .50		
ZONE 10	12.79	6%	3% +1.29		.02
ZONE 11	12.85	6%	3% +1.29		.02
ZONE 12	13.25	6%	3% + .90		.02
ZONE 13	12.90	12%	7%		.02
ZONE 14	11.20	6%	3% +1.00		.02
ZONE 15	11.20	6%	3% + .50		

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES

ZONE 1 - Essex County

ZONE 2 - Union (that portion east and north of a line running in a southerly direction from Morris Avenue along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd., to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 3 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave., in New Providence Boro, to the Diamond Hill Rd, south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to Middlesex County Line) County.

ZONE 4 - Union (remainder of county) County.

ZONE 5 - Bergen and Hudson Counties.

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONE (CONT'D)

ZONE 6 - Passaic County.

ZONE 7 - Morris and Sussex Counties.

ZONE 8 - Hunterdon (except Tewksburg Township and Califon Boro) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave., to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville Pluckemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Still well Rd., and west on Hall's Bridge Rd., to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U.S. Highway #206 north from Mercer County to to the Harlingen Rd. and west along that road the Dutchtown - Zion Rd. to Hillsboro Township Line) Counties.

ZONE 9 - Hunterdon (Tewksbury Township and Califon Boro) and Somerset (that portion north of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd, North on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville-Pluckemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Rd., to the Hunterdon County Line) Counties.

ZONE 10 - Somerset (remainder of county) County.

ZONE 11 - Middlesex (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Highway, along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the southern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River) County.

ZONE 12 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave. to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONE (CONT'D)

ZONE 13 - Middlesex (remainder of county) County.

ZONE 14 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Hamony, Franklin, Lopatcong, Greenwich, Pohatcong Townships, and that portion of Mainsfield Township west of Line following the Point Mt. - Port Murray Rd. to Independence Township) County.

ZONE 15 - Warren (remainder of county) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Construction:					
Mechanics	10.12	.495	.32+a	b+c	.02
Helpers	7.59	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Modernization:					
Mechanics	9.35	.495	.32+a	b+c	.02
Helpers	7.01	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Contract Repair:					
Mechanics	8.50	.495	.32+a	b+c	.02
Helpers	6.38	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
GLAZIERS:					
ZONE 1	9.77	.60	1.10		.03
ZONE 2	11.50	.91	.65		.02
ZONE 3	11.95	1.00	1.50		.05

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bergen and Passaic Counties

ZONE 2 - Middlesex, Somerset (Bernardsville, Basking Ridge and Watchung) and Union (Carteret, Port Reading, Fords and Woodbridge) Counties.

ZONE 3 - Essex, Hudson, Morris, Somerset (remainder of county), Sussex, Union (remainder of county) and Warren Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS - Structural, Reinforcing & Ornamental Warren County	12.10	.84	1.36		
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex & Union Counties	11.39	.91	2.54	1.15	.11
LABORERS, BUILDING CONSTRUCTION:					
ZONE 1					
Laborers, Air Tool Ops. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay) & Plasterer Tenders	7.80	.75	.85		.02
ZONE 2					
Laborers, AIr Tool Op. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterer Tenders, Wrecking & Excavation	7.70	1.00	.70		.02
ZONE 3					
Regular Laborers	8.55	.50	.50		.02
Mortar Mixers, Scaffold Men & Pneumatic Hammer Ops.	8.80	.50	.50		.02
ZONE 4					
Common Laborers	8.35	.65	.40		.02
ZONE 5					
Common Laborers	7.80	.75	.85		.02
ZONE 6					
Common Laborers, Air Tool Ops., Mason Tenders, Mortar Mixers & Pipelayers (concrete & Clay)	8.00	.70	.70		.02
ZONE 7					
Common Laborers	7.05	.75	.75	.90	.02
ZONE 8					
Common Laborers	8.50	.40	.50		.02
ZONE 9					
Common Laborers	8.50	.40	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING CONSTRUCTION CONT'D					
ZONE 10					
Laborers, Wrecking, Demolition, Concrete Mixers, W/O Hoppers, Drill Runners, Jackhammers, Mason Tenders, Mortar Mixers, Excavation & Foundations, Scaffold Builders, Carpenter Tenders & Grading for Concrete	8.50	.45	.45		.02
ZONE 11					
Laborers, Air Tool Ops. (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Plasterer Tenders, Pipelayers, Wreckers & Excavation	8.25	.65	.50		.02
ZONE 12					
Laborer, Tenders, Scaffolds, Excavation, Bituminous Concrete & Aggregates, Pipelayers, Underpinning, Lagging, Bracing & Wrecking	8.25	.60	.55		.02
ZONE 13					
Laborers, Tenders, Scaffolds, Excavating & Site Preparation & Clearance, Bituminous Concrete & Aggregates, Trenches, Manholes, Handling & Distribution of Pipes, Underpinning, Lagging, Bracing, Propping & Shoring	7.80	.75	.85		.02
ZONE 14					
Common Laborers	7.95	.70	.60		.02
ZONE 15					
Common Laborers	8.00	.70	.70		.02
ZONE 16					
Common Laborers, Air Tool Ops. Mason Tenders, Plasterer Tenders & Mortar Mixers	7.80	.75	.85		.02
ZONE 17					
Common Laborers, Hod Carriers, Power Tool Ops. & Plasterer Tenders	8.15	.60	.45		.02

AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES

ZONE 1 - Bergen (Garfield, Passaic and Wallington Townships, Lodi, Lodi Boro. and East Patterson) and Passaic Counties.

ZONE 2 - Bergen (remainder of County) County.

ZONE 3 - Essex (City of East Oragne, Townships of South Orange and Maplewood) County.

ZONE 4 - Essex (Orange and Montclair) County.

ZONE 5 - Essex (Millburn) and Union (Springfield and Union Townships) Counties.

ZONE 6 - Essex (remainder of county) and Hudson(kearny, East Newark and Harrison) Counties.

ZONE 7 - Hudson (remainder of county) Counties.

ZONE 8 - Middlesex (Perth Amboy, Carteret, Woodbridge and Metuchen Townships) County.

ZONE 9 - Middlesex (remainder of County) and Somerset (East Millstone and Franklin Townships) Counties.

ZONE 10 - Morris (Boonton, Boonton Township, Montville, Lincoln Park Boro., Butler, Kinnelon Boro., Pin Brook, Towaco, Danville, Mountain Lakes, Pequannock, Pompton Plains and Riverdale Boro.) County.

ZONE 11 - Morris (Jefferson, Rockaway, Mt. Arlington, Rockaway Boro., Wharton, Mine Hill, Dover, Netcong, Roxbury, Mt. Oliver and Randolph Townships) and Sussex Counties.

ZONE 12 - Morris (Morristown, Morris Township, Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Ced Knools, Whippany, Hanover Township and Long Valley) County.

ZONE 13 - Morris (remainder of County) County.

ZONE 14 - Somerset (Townships of Bernardsville, Peapack, Gladstone, Far Hills, Bernards and Bedminster) County.

AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES (Cont'd)

ZONE 15 - Somerset (Townships of Bridgewater, Branchburg, Raritan, Bound Brook, Somerville, Manville, Hillsboro, Millstone, Montgomery and Rocky Hill) County.

ZONE 16 - Somerset (remainder of County) and Union (remainder of County) Counties.

ZONE 17 - Hunterdon and Warren Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
GROUP 1	$ 9.40	.85	1.00	e	.10
GROUP 2	9.25	.85	1.00	e	.10
GROUP 3	9.00	.85	1.00	e	.10
GROUP 4	8.95	.85	1.00	e	.10
GROUP 5	8.85	.85	1.00	e	.10
GROUP 6	8.75	.85	1.00	e	.10
GROUP 7	8.50	.85	1.00	e	.10
GROUP 8	8.35	.85	1.00	e	.10
GROUP 9	8.30	.85	1.00	e	.10

CLASSIFICATION DEFINITIONS
LABORERS, HEAVY AND HIGHWAY CONSTRUCITON

GROUP 1 - Blasters

GROUP 2 - Finishers, Rammers, Pavers, Gunite Nozzle Men and Stonecutters.

GROUP 3 - Rimbermen

GROUP 4 - Formsetters

GROUP 5 - Wagon Drill Operators, Drill Masters, Jackhammers, Chipping Hammers, Pavement Breakers, Power Buggies, Concrete Cutters, Asphalt Cutters, Sheet Hammer and Tree Cutter Operators, Sandblasting, Cutting, Burning, and such other power tools used to perform work usually done manually by Laborers.

GROUP 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers.

GROUP 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders.

GROUP 8 - Wrapping and Coating of all pipe.

GROUP 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Pitmen and Dumpmen, Waterproofing, Rakers and Tampers on cold Patch Work.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers - Free Air Tunnel Jobs:					
GROUP 1	$ 9.77	.85	1.00	e	.10
GROUP 2	9.37	.85	1.00	e	.10
GROUP 3	9.21	.85	1.00	e	.10
GROUP 4	8.70	.85	1.00	e	.10

CLASSIFICATION DEFINITIONS
LABORERS - FREE AIR TUNNEL JOBS

GROUP 1 - Blasters

GROUP 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rodmen, Caulkers, Powder Carriers, All other skilled men).

GROUP 3 - Semi-Skilled Men (including Miner's Helpers, Chuck Tenders, Trackmen, Nippers, Brakemen, Derail Men, Cable Men, Hose Men. Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-Skilled Men).

GROUP 4 - All other (including Powder Watchmen, Changehouse Attendents, Top Laborers).

Laborers, Asphalt Construction:					
ZONE 1					
Street:					
Head Raker	8.20	.71	.74	e	.05
Rakers & Screen Men	8.05	.71	.74	e	.05
Tampers, Smoothers, Kettlemen, Painters, Top Shovelers & Roller Boys	7.80	.71	.74	e	.05
Plant:					
Scale Mixer & Burner Men	8.05	.71	.74	e	.05
Feeders & Dust Men	7.80	.71	.74	e	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Asphalt Construction: (Cont'd.)					
ZONE 2					
Street:					
Head Rakers	$ 7.90	.60	1.00	e	.10
Rakers and Screed Men	7.75	.60	1.00	e	.10
Tampers, Smoothers, Kettlemen, Painters, Shovelers and Roller Boys	7.50	.60	1.00	e	.10
Plant:					
Scale Mixer and Burner Men	7.75	.60	1.00	e	.10
Feeders and Dust Men	7.50	.60	1.00	e	.10

AREA COVERED BY LABORERS, ASPHALT CONSTRUCTION ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon, Middlesex (northern half of County), Morris, Passaic, Somerset, Sussex, Union and Warren Counties.

ZONE 2 - Middlesex (remainder of County) County.

Lathers	10.90	.15	.40		.02
Lead Burners	10.75	.40	.25	f	.01
Line Construction:					
ZONE 1					
Line men, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen and Welders	13.24	7%	10%		3/4 of 1%
ZONE 2					
Linemen and Equipment Operators	13.33	6%	8%		3/4 of 1%
Cable Splicers	14.41	6%	8%		3/4 of 1%
Groundmen	9.33	6%	8%		3/4 of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction: (Cont'd.)					
ZONE 3					
Linemen, Cable Splicers, Equipment Operators and Groundmen	$12.80	10%	9%+.58		3/4 of 1%
ZONE 4					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	12.95	6%	6%+.54		3/4 of 1%
ZONE 5					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	12.95	6%	3%+.55		3/4 of 1%
ZONE 6					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	12.95	6%	3%+.60		3/4 of 1%
Zone 7					
Linemen and Equipment Operators	13.10	6%	3%+.60		3/4 of 1%
Groundmen and Line Truck Operators	11.55	6%	3%+.60		3/4 of 1%
ZONE 8					
Linemen and Equipment Operators	13.14	6%	3%+.55		3/4 of 1%
Groundmen and Winch Operators	11.28	6%	3%+.55		3/4 of 1%
ZONE 9					
Linemen and Equipment Operators	13.14	6%	3%+.60		3/4 of 1%
Groundmen and Line Truck Operators	11.28	6%	3%+.60		3/4 of 1%
ZONE 10					
Linemen, Equipment Operators & Cable Splicers	12.85	6%	3%+1.29		3/4 of 1%
Groundmen and Winch Operators	12.00	6%	3%+1.29		3/4 of 1%
ZONE 11					
Linemen, Equipment Operators, & Cable Splicers	12.85	6%	3%+.55		3/4 of 1%
Groundmen and Winch Operators	12.00	6%	3%+.55		3/4 of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction: (Cont'd.)					
ZONE 12					
Linemen and Equipment Operators	$12.90	12%	7%		3/4 of 1%
Groundmen and Winch Operators	12.00	12%	7%		3/4 of 1%
ZONE 13					
Linemen, Line Truck Operators, Equipment Operators and Cable Splicers	11.20	6%	3%+1.00		3/4 of 1%
Groundmen	6.67	6%	3%+1.00		3/4 of 1%
ZONE 14					
Linemen, Line Truck Operators, Equipment Operators and Cable Splicers	11.20	6%	3%+.60		3/4 of 1%
Groundmen	6.67	6%	3%+.60		3/4 of 1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Essex County

ZONE 2 - Passaic County

ZONE 3 - Bergen and Hudson Counties

ZONE 4 - Union (that portion east and north of a line running in a southernly direction from Morris Ave. along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd. to and along the Mauntainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continueing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 5 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave. in New Providence Boro. to the Diamond Hill Rd. south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to the Middlesex County Line) County.

ZONE 6 - Union (remainder of County) County.

AREA COVERED BY LINE CONSTRUCTION ZONES (Cont'd)

ZONE 7 - Morris and Sussex Counties

ZONE 8 - Hunterdon (except Tewksbury Township and Califon Boro.) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd, southwest on Mount Prospect Rd., west on Martinvsville-Pluckemin Rd., west on Klines Mill Rd.,north on John Kane Road to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U.S. Highway #206 north from Mercer County to the Harlingen Rd., West along that road the Dutchtown - Zine Rd. to Hillsboro Township Line) Counties

ZONE 9 - Hunterdon (remainder of county) and Somerset (remainder of County) Counties.

ZONE 10 - Middlesex (that portion south and west of a line, extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Hwy., along Lincoln Hwy. to Vinyard Rd. to Old Post Rd., along Old Post Rd. to Mill Rd., along Mill Rd. to the Raritan River, along the Rarian River to the South River, along the South River to the southern Boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing onto the Washington Rd. and Maplewood Ave. in Cranbury to Scott Ave., Along Scott Ave. to Main St., on Main St. and the Turnpike to the Millstone River) County.

ZONE 11 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave., to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 12 - Middlesex (remainder of county) County.

ZONE 13 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Twps. and that portion of Mansfield Twp. west of line following the Point Mt. - Port Murray Rd. to Independence Twp.) County.

ZONE 14 - Warren (remainder of County) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:					
ZONE 1	11.19	.70	.75		.02
ZONE 2					
Marble Setters	10.00	1.13	1.19	g	
Terrazzo Workers	11.18	1.21	1.50		
Tile Setters	9.15	.80	2.10		

AREA COVERED BY MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS ZONES

ZONE 1 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Twps.), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Twps.) and Warren County.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris (remainder of county), Passaic, Somerset, Sussex (remainder of county) and Union Counties.

MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS FINISHERS:					
ZONE 1					
Marble Setters Finishers	8.28	1.09	1.23	g	
Terrazzo Workers Finishers	9.84	.76	1.95		
ZONE 2					
Tile Setters Finishers	9.00	.84	.75		

AREA COVERED BY MARBLESETTERS FINISHERS, ETC. ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and Cities east thereof to the County Line), Middlesex, Morris, Passaic, Somerset, Sussex (Colesville, Beemerville, Mt. Pisah, Swartswood, Huntsburg and all cities inclusive to the Morris and Passaic County Line) and Union Counties

ZONE 2 - Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex and Union Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Painters and Tapers	10.00	.95	1.60		.06
Steel outside	11.00	.95	1.60		.06
Spray and Sandblasting	11.55	.95	1.60		.06
Rollers on vitreous coatings, exotic coatings, insul-rock ceilings, stacks and storage tanks	11.55	.95	1.60		.06
ZONE 2					
Brush and Roller	9.40	.85	.90		
Spray	10.30	.85	.90		
Repaint work	9.00	.85	.90		
ZONE 3					
Painters on new construction and major alterations	9.85	.70	.55	.30	.05
Painters on repaint work	8.90	.70	.55	.30	.05
Spraying or application of hazardous or dangerous materials on repaint work	9.50	.70	.55	.30	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	10.00	.70	.55	.30	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Repaint work as described above	9.05	.70	.55	.30	.05
On bridges, television and radio towers, structural steel and tanks above 3 stories in height (30' or over), smoke stacks, water towers, sandblasting, steam-cleaning, spraying or application of hazardous materials	10.45	.70	.55	.30	.05
ZONE 4					
Commercial & Industrial	9.85	.90	1.75	.50	
Sprayers, Tapers, Coverers, & Spacklers	9.80	.90	1.75	.50	
Paperhangers	10.00	.90	1.75	.50	
All extension ladder work, 36' high or over, scaffold work, structural steel, tanks, bridges, towers, smoke stacks, radio towers, television towers, flag poles (steel or wood), fire escapes from top to bottom, cable work & hazardous work	11.00	.90	1.75	.50	
Sandblasting & Spraying	11.00	.90	1.75	.50	

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bergen, Passaic and Sussex Counties.

ZONE 2 - Middlesex (Edison Twp., South of Metuchen, Highland Park, New Brunswick, North Brunswick, East Brunswick and South Brunswick Twps, and Monroe Twp.) and Somerset (Franklin Twp.) Counties.

ZONE 3 - Essex, Hudson (west half of county), Hunterdon, Middlesex (remainder of county), Morris, Somerset (remainder of county) Union and Warren Counties.

ZONE 4 - Hudson (remainder of county).

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPEFITTERS:					
Bergen & Hudson Counties and the city of Passaic in Passaic Co.	$11.50	1.00	1.00	1.00	.25
PLUMBERS:					
ZONE 1	11.50	.70	.75	1.00	.20
ZONE 2	10.55	.76	.75	1.00	.02
ZONE 3	12.45	.75	1.35		.20
ZONE 4	11.51	.65	1.00	.85	.16
ZONE 5	11.36	.73	.83	1.25	.10

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Bergen (Alpine, Bergenfield, Bogota, Carlstadt, Closter, Cresskill, Demarest, Dumont, East Rutherford, Emerson, Englewood Cliffs, Hackensack, Harrington Park, Hasbrouck Heights, Haworth, Hillsdale, Leonia, Little Ferry, Lyndhurst, Maywood, Montvale, Moonachie, North Arlington, Northvale, Norwood Old Tappan, Oradell, Palisades Park, Paramus, Park Ridge, Ridgefield Park, River Edge, Rivervale, Rochelle Park, Rockleigh, Rutherford, Saddle Brook, Saddle River, South Hackensack, Teaneck, Tenafly, Teterboro, Upper Saddle River, Warren Point, Washington Twp., Westwood, Woodcliff Lake and Wood-Ridge) County.

ZONE 2 - Bergen (Cliffside Park Edgewater, Fairview, Fort Lee, Mordenere and Ridgefield) and Hudson (Guttenberg, North Bergen, Secaucus, Weehawken and West New York) Counties.

ZONE 3 - Hudson (Cities of Hoboken, Bayonne and Jersey City) County.

ZONE 4 - Union (Fanwood, Netherwood, Plainfield and Plainfield Twp.) County.

ZONE 5 - Union (Cranford, Cranford Twp., Garwood, Hillside, Hillside Twps., Kenilworth, Linden, Lorraine, Lyons Farms, Mountainside, Picton, Rahway, Roselle, Roselle Park, Scotch Plains, Scotch Plains Twp., South Elizabeth, Townley, Union, Union Twps., West Elizabeth, Westfield, Westfield Twp. and Winfield) County.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & GASFITTERS:					
Essex (except all of the Oranges, Livingston & Maplewood) & Hudson (Harrison, East Newark & Kearny) Counties	$12.425	.65	1.00		.15
PLUMBERS &PIPEFITTER:					
ZONE 1	11.38	.65	1.00	1.138	.05
ZONE 2	11.00	.675	1.36	1.00	.04

AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES

ZONE 1 - Essex (Orange, West Orange, East Orange, South Orange, Maplewood and Livingston) County.

ZONE 2 - That portion of Passaic County north of Piaget Ave. in Clifton and, additionally, the following communities in Bergen and Morris Counties: Allendale, Butler, Elmwood Park, Fair Lawn, Franklin Lakes, Glen Rock, HoHoKus. Kinnelon, Lincoln Park Mahwah, Midland Park, Oakland, Pequannock, Ramsey, Ridgewood, Riverdale, Saddle Brook, Saddle River, Waldwick, Wyckoff.

PLUMBERS & STEAMFITTERS:					
ZONE 1					
Plumbers	11.50	.65	1.00	1.00	
ZONE 2	11.67	.65	1.00	.75	.10
ZONE 3	12.09	1.04	.90		.20
ZONE 4	11.42	.65	1.00	1.00	.15
ZONE 5	11.42	.60	1.00		.20
ZONE 6	11.42	.65	1.00	1.00	.15
ZONE 7					
Steamfitters	11.25	.78	1.01	1.13	.06

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AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Bergen (Lodi, Garfield and Wallington) and Passaic (Passaic) Counties.

ZONE 2 - Essex (Short Hills andMillburn) and Union (Ashbrook, Berkeley Heights, Great Island, Murray Hill, Springfield, Chatham Twp., Unionburg, Unionville, Vauxhall, Warners, Summit, Summit Twp., New Providence and New Providence Twp.) Counties.

ZONE 3 - Hunterdon County, Middlesex County (excluding Middlesex Boro, South Plainfield, New Market, Dunellen, and portions of Piscataway and Edison Twps.), and Somerset (Clyde, Middlebush, South Bound Brook, South Branch, Voorhees, Warren Twp., West New Brunswick, Griggstown, Harlingen, Kingston, Skillman, and Stoutsburg) County.

ZONE 4 - Somerset (remainder of county) and Warren (area encompassed by the Delaware River, Hunterdon and Morris County Lines including Belvidere and south thereof) Counties.

ZONE 5 - Morris (Beginning at Dover to Rockway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackettstown, Columbia, Flatbrookville, Montague, Port Jervis, (N.Y.), Glenwood, Stockholm, Charlottsburg and returning to Dover), Sussex, and Warren (remainder of county) Counties.

ZONE 6 - Morris (remainder of County) County.

ZONE 7 - Essex (except Millburn and Short Hills), Middlesex (Middlesex Boro., South Plainfield, New Market, Dunellen, New Market, a portion of Piscataway Twp. & a portion of Edison Twp.), Somerset (North Plainfield, Warren Twp. & Greenbrook Twp.) & Union (except Springfield & portion of Mountainside & Union Twp.) Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	15.31	7%	15%	h	3%
GROUP 2	13.49	7%	15%	h	3%
GROUP 3	12.61	7%	15%	h	3%
GROUP 4	12.50	7%	15%	h	3%
GROUP 5	12.27	7%	15%	h	3%
GROUP 6	11.78	7%	15%	h	3%
GROUP 7	11.49	7%	15%	h	3%
GROUP 8	11.32	7%	15%	h	3%
GROUP 9	11.27	7%	15%	h	3%
GROUP 10	11.15	7%	15%	h	3%
GROUP 11	11.10	7%	15%	h	3%
GROUP 12	10.86	7%	15%	h	3%
GROUP 13	10.46	7%	15%	h	3%
GROUP 14	10.29	7%	15%	h	3%
GROUP 15	9.95	7%	15%	h	3%
GROUP 16	7.97	7%	15%	h	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet, or over above ground level.

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CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21B and over); paver, resinous, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopp with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system pumperete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2 yds but less than 5 yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, pumperete-unit type; pumperete machines, squeezecrete & concrete pumping; scrapers-Le-Tourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago BOOM type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D.)

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or system; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch winch or similar); drill doctor (duties include dust collector); dope pots (Mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway,road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (In conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic.

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 9 - Broom & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with job site); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site); Field engineer: Party chief

GROUP 10 - COmpressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); muching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only.)

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance; Field engineer: transit/instrument man

GROUP 16 - Field engineer: rodman/chainman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
STEEL ERECTION:					
GROUP 1	17.12	7%	15%	h	3%
GROUP 2	15.31	7%	15%	h	3%
GROUP 3	14.40	7%	15%	h	3%
GROUP 4	13.66	7%	15%	h	3%
GROUP 5	11.88	7%	15%	h	3%
GROUP 6	11.49	7%	15%	h	3%
GROUP 7	11.34	7%	15%	h	3%
GROUP 8	10.97	7%	15%	h	3%
GROUP 9	10.41	7%	15%	h	3%

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot and communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1					
Composition	10.35	.68	1.00		
ZONE 2					
Composition, Waterproofing, Slate & Asphalt Shingle	10.15	.50	.60		
ZONE 3					
Composition, Damp & Waterproofing	11.82	.80	1.00		
ZONE 4					
Slate and Tile	10.25	.80	1.30		
Slate & Tile Helpers	8.20	.80	1.30		
ZONE 5					
Slate and Tile	10.40	.70	.30		
Slate & Tile Helpers	9.30	.70	.30		
ZONE 6					
Composition, Damp and Waterproofing	11.80	1.00	.65		
Slate and Tile	11.925	1.00	.65		
Slate & Tile Helpers	10.75	1.00	.65		
ZONE 7					
Composition, Damp & Waterproofing	9.85	1.59	2.65	.65	

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Bergen and Passaic Counties

ZONE 2 - Hunterdon and Somerset (Rocky Hill, Harlingen, Belle Meade, Neshanic, Clover Hill, Montgomery. Zion, Skillman, Stoutsburg, Blawenburg, Centerville and Kingston) Counties.

ZONE 3 - Essex, Hundson (west of the Hackensack River), Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel and Watchung), Sussex, Union (remainder of county) and Warren Counties.

ZONE 4 - Bergen, Passaic and Sussex Counties.

ZONE 5 - Essex, Hudson, Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel and Watchung), Sussex, Union (remainder of county) and Warren Counties.

ZONE 6 - Middlesex, Somerset (remainder of county) and Union (Scotch Plains, Plainfield, Clark and Rahway) Counties.

ZONE 7 - Hudson (remainder of county) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Middlesex County	$10.94	6%+1	5%+.10	8%	.07
Essex and Passaic Counties	11.50	4%+.44	4%+.23	8%	.01
Bergen and Hudson Counties	11.16	5%+.85	5%+.28	4% + .06	.02
Warren County	9.76	1.17	1.03		.05
Morris, Somerset, Sussex and Union Counties	11.00	1.10	1.35	.54	.11
Hunterdon County	11.16	i+.95	.80		.02
SOFT FLOOR LAYERS	10.33	6%	5%+.50		
SPRINKLER FITTERS:					
ZONE 1	12.58	.65	.95		.07
ZONE 2	12.85	.75	1.05		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bergen, Essex, Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Browntown and North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martinville and Somerville) and Union Counties.

ZONE 2 - Hunterdon, Middlesex (remainder of county), Somerset (remainder of county), Sussex and Warren Counties.

TRUCK DRIVERS:				
ZONE 1				
GROUP 1	7.27	.68	.75	j+k
GROUP 2	7.50	.68	.75	j+k
GROUP 3	7.55	.68	.75	j+k
GROUP 4	7.65	.68	.75	j+k
GROUP 5	7.75	.68	.75	j+k
ZONE 2				
GROUP 1	8.52	1	.96	j+k
GROUP 2	8.75	1	.96	j+k
GROUP 3	8.80	1	.96	j+k
GROUP 4	8.90	1	.96	j+k
GROUP 5	9.00	1	.96	j+k

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONES 1 and 2

GROUP 1 - Mechanic Helper

GROUP 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pickups, Container Haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-o-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All Dual Purpose Trucks, trucks with mechanical tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), Parts Chaser, Escort, Scissor, Hi-lift, Telescope, Concrete Breaker, Gin Pole, Stone, Sand, Asphalt Distributor and Spreader, Nipper, Fuel Trucks (drivers on Fuel Trucks including handling of hose and nozzle-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit), Skid Truck (debris container - entire unit), concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltcrete Trucks, Pump Crete Trucks, Line Truck, Reel Truck, Wreckers, Utility Trucks, Tack Trucks, Warehousemen, Warehouse Parts-Men. Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checker, Receivers, Shippers, Binning Men (Materials), Cardex Man, Helper when required on Broyhill Coal Tar Epoxy Truck and Asphalt and Bituminous Distributor Truck, Drivers on the following type vehicles: Broyhill Coal Tar Epoxy Trucks, Little Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thiokol Track Master Pickup (Swamp Cat Pickup), Bucket Loader Dump Truck and any Rubber Tired Tractor used in pulling and towing Farm Wagons and Trailers of any description, similar type vehicles, Off-site and On-site Repair Shop.

GROUP 3 - Drivers on straight 3-Axle Materials: Trucks and Floats.

GROUP 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors and Wagons, Dumpters, Straight, Bottom, Rear and Side Dumps, Carryalls and Scrapers (not self loading-loading over the top), Water Sprinkler Trailers, Water Pulls and similar types of Vehicles; Drivers on Tractors and Trailer type vehicles: Flat, Floats, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fuel, Bottom Dump Hopper, Rear Dump, Office, Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles.

GROUP 5 - Winch Trailers Drivers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Bergen, Hudson, Hunterdon, Middlesex, Passaic, Somerset, Union (up to Woods Avenue south of Cranford) and Warren Counties.

ZONE 2 - Essex, Morris, Sussex and Union (remainder of county) Counties.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annuity Fund.

b. Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Armistice Day.

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.

d. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.

e. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

f. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 30 full days for the employer during the 90 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceeding and following the holiday.

FOOTNOTES: (CONT'D)

g. Holiday: A half day's pay for Labor Day.

h. Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceeding the holiday and the first work day after the recognized holiday.

i. Employer contribution of 3% based on the basic hourly rate plus Health and Welfare plus Pension and Vacation Fringes.

j. Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day, provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

k. Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 126 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours).

l. Employer contribution of $116.00 per month per employee to Health and Welfare Funds.

m. Holidays: A through F, plus Armistice Day and Washington's Birthday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Blair
DECISION NO.: PA78-3037 DATE: Date of Publication
Supersedes Decision No. PA76-3165, dated, April 30, 1976, in 41 FR18274.
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.56	.85	.90		
Bricklayers	9.55	.60	.80		.03
Carpenters	9.80	6%	8%	6%	.40 of 1%
Cement masons	10.45	12%	6%		
Electricians	12.10	.40	3%+.30	.60	.10
Glaziers	10.09	.72	.82	.83	.01
Ironworkers:					
Structural	10.835	.70	1.155		.07
Reinforcing	10.835	.70	1.155		.07
Laborers	7.70	10%	8%		
Painters	9.49	.75	.45		.02
Plasterers	9.00				.01
Plumbers & pipefitters	11.20	.78	1.03		.22
Roofers	11.41	.77	1.50		.06
Soft floor layers	9.80	6%	8%	6%	.40 of 1%
Stone masons	9.55	.60	.80		.03
Sheet metal workers	10.05	1.39	1.18		.05
Terrazzo workers	9.55	.60	.80		.03
Tile setters	9.55	.60	.80		.03
Truck Drivers:					
Service, dump, flat top, jeep, fuel & water	8.42	a	b		
Transit mix, dump trailer, winch truck	8.35	a	bb		
Euclids & tractor trailer	8.42	a	b		
Helper	8.17	a	b		
POWER EQUIPMENT OPERATORS:					
Backhoe	11.875	.65	.80		.09
Cranes	12.125	.65	.80		.09
Welders - rate for craft					

Footnotes:
a. $59.90 per month.
b. $14.00 per week.

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD78-5023 DATE : Date of Publication
Supersedes Decision No. SD77-5079 dated September 23, 1977, in 42 FR 48721
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.40	.50	1.00		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	10.05	.30			
CARPENTERS:					
Carpenters, Acoustical and Drywall Applicators	9.41	.30			.05
Piledrivermen	9.66	.30			.05
Millwrights	9.91	.30			.05
CEMENT MASONS	8.45	.35	.40		
ELECTRICIANS:					
Within 15 mile radius of Rapid City Post Office					
Electricians	9.85	.40	3%	6%	1/2%
Cable Splicers	10.40	.40	3%	6%	1/2%
Within 15 to 35 miles radius of Rapid City Post Office					
Electricians	10.25	.40	3%	6%	1/2%
Cable Splicers	10.80	.40	3%	6%	1/2%
Outside a 35 mile radius of Rapid City Post Office					
Electricians	11.10	.40	3%	6%	1/2%
Cable Splicers	11.65	.40	3%	6%	1/2%
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Sheeter; Structural	9.90	.55	1.00		.25
LABORERS:					
Laborers; Power Tool Operator or all Mechanical Air, gas, electric tools, including self-propelled Buggies, Wagon and Air Track Drills; Pipe Layer (non-metallic); Sandblasting	6.62	.50	.15		
Mortar mixer, Mason tender, Plaster tender	6.77	.50	.15		
Gunnite Nozzleman, Powderman, Miner, timberman	7.12	.50	.15		

DECISION NO. SD78-5023 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$ 7.79				
Spray	8.29				
Tapers	8.04				
PLASTERERS	8.50				
PLUMBERS; Steamfitters	9.83	.40	.50		.03
SHEET METAL WORKERS	9.90				.005
SPRINKLER FITTERS	10.55	.75	1.05		.08
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOREST SERVICE

Final

Upper Rock Creek Unit Plan, Deerlodge N.F., Granite County, Mont., April 13: The proposed action is the implementation of a revised multiple use plan for the upper Rock Creek Planning Unit of the Philipsburg Ranger District, Deerlodge National Forest. This action divides the 215,666-acre unit into sixteen management areas and provides general and specific guidance for the management of each. Alteration of 44,481 acres of inventoried roadless area and a reduced annual harvest of timber will result. (USDA-FS-R1(09)FES-ADM-77-6). Comments made by: FEA, USDA, EPA, HEW, DOI, DOT, State and local agencies, groups and individuals. (ELR order No. 80357.)

Grande Ronde Planning Unit, Oregon, several counties in Oregon, April 10: Proposed is the allocation of approximately 448,000 acres of Wallowa-Whitman and Umatilla National Forests near the headwaters of the Grande Ronde River to a pattern of land use. Management plans include allocation of lands for wood fiber and forage, Big Game Winter Range, Roadless Recreation Management, and Wilderness. Those adverse effects which are most noticeable will be caused by manipulation of vegetation. USDA-FS-R6-FES(ADM)-76-15. Comments made by: EPA, COE, USDA, DOC, DOI, State and local agencies, groups, individuals, and businesses. (ELR order No. 80347.)

SOIL CONSERVATION SERVICE

Draft

Rural Abandoned Mine Program (RAMP), national, April 14: The Soil Conservation Service proposed to implement policies, procedures and regulations for the Rural Abandoned Mine Program (RAMP). The purpose of this EIS is to evaluate the potential environmental consequences of implementing the program in different ways. This program (RAMP) will help landowners voluntarily develop and apply plans for reclamation, conservation, and development of eligible lands affected by coal mining. It provides cost sharing to landowners through long-term agreements, funded through congressional appropriations from RAMP funds. (ELR order No. 80370.)

South Priceboro Creek, Flood Prevention, Linn County, Oreg., April 13: The proposed project will reduce the time of flooding on 330 acres of cropland accomplished by channel improvements to south Priceboro Creek located in Linn County, Oreg. The measures to be taken include enlargement and improvement of approximately 2 miles of the creek, and a small concrete structure to be built at the upper end of the project to divert irrigation waters. (ELR order No. 80354.)

Final

Grasshopper-Coal Creek Watershed, Atchison, Brown, and Jefferson Counties, Kans., April 14: Proposed is a project for watershed protection and flood prevention (including grade stabilization) in Atchison, Brown, and Jefferson Counties, Kans. The planned works of improvement include conservation land treatment and 39 earthfill grade stabilization structures with storage for sediment and floodwater detention. Adverse effects include the elimination of agricultural use and terrestrial wildlife use on 393 acres; agricultural and terrestrial wildlife uses will be interrupted and reduced on 773 acres by periodic flooding of reservoir retarding areas. USDA-SCS-EIS-WS(ADM)-78-1-F-KS. Comments made by: DOD, DOI, HEW, USDA, EPA, State and local agencies. (ELR order No. 80366.)

[FR Doc. 78-10556 Filed 4-20-78; 8:45 am]

federal register

FRIDAY, APRIL 21, 1978
PART IV

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

GROUNDFISH OF THE GULF OF ALASKA

Fishery Management Plan

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 672]

GROUNDFISH OF THE GULF OF ALASKA

Proposed Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed regulations.

SUMMARY: This document sets forth proposed regulations for domestic fishing to implement a Fishery Management Plan for Groundfish in the Fishery Conservation Zone (FCZ) of the Gulf of Alaska. The plan was approved by the Secretary of Commerce on February 24, 1978, pursuant to the Fishery Conservation and Management Act of 1976.

DATE: Comments will be received until: June 6, 1978.

ADDRESS: Comments should be addressed to: Assistant Administrator for Fisheries, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Harry Rietze, Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802. Telephone 907-586-7221.

SUPPLEMENTARY INFORMATION: The Fishery Conservation and Management Act of 1976, Pub. L. 94-265, as amended, 16 U.S.C. 1801 et. seq. (the "Act"), authorizes the Secretary of Commerce (the "Secretary") to promulgate regulations implementing approved fishery management plans prepared by the Regional Fishery Management Councils for their geographic areas of concern.

Pursuant to Title III of the Act, the North Pacific Fishery Management Council prepared and submitted to the Secretary a fishery management plan (FMP) for selected groundfish in the Fishery Conservation Zone (FCZ) of the Gulf of Alaska. The FMP was approved by the acting Assistant Administrator for Fisheries pursuant to an appropriate delegation of authority from the Secretary of Commerce.

The fishery management plan supercedes the preliminary management plan (PMP) for the Gulf of Alaska Trawl Fishery, as amended, and that portion of the PMP for Sablefish of the Bering Sea and Northeastern Pacific Ocean, as amended, applicable to the Gulf of Alaska (and the regulations implementing these PMP's: 50 CFR 611.92 and 611.94, 42 FR 60681, 60697-99, November 28, 1977).

The FMP covers domestic fishing for cod, pollock, flounders, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid and all other stocks of fish (except it does not regulate domestic fishing for salmon, steelhead trout, Pacific halibut, herring and tuna) in the FCZ in the Gulf of Alaska. The taking of Pacific halibut by U.S. and Canadian fishermen is regulated under the auspices of the International Pacific Halibut Commission. The FMP is published herewith.

Four major objectives control the philosophy of management of the groundfish fisheries in the Gulf of Alaska. They are:

(A) Rational and optimal use, in both the biological and socio-economic sense, of the region's fishery resources as a whole;

(B) Protection of the Pacific halibut resource, currently in a state of decline;

(C) Orderly development by the U.S. of domestic groundfish fisheries, consistent with (A) and (B) above; and

(D) Foreign participation in the fishery consistent with (A), (B), and (C) above, to take that portion of the optimum yield not harvested by domestic fishermen.

To achieve these objectives in the context of a workable management plan, the FMP and these regulations propose coordinated application of several management techniques, including season, gear, area and catch restrictions for domestic and foreign fisheries. (Regulations for foreign fisheries within the FCZ under this FMP have been proposed in the form of amendments to Part 611, Foreign Fishing Regulations.)

Area Restrictions. The FMP and proposed regulations establish optimum yields (OY) for each groundfish species in each of five major statistical areas. The purpose of establishing OY's in each statistical area is to avoid the overfishing of local stocks which has taken place in the past. When OY for any species in the statistical area is reached, the area is closed to all fishing for the remainder of the season.

Reserve. The FMP has set aside a portion of the Optimum Yield as a reserve to be allocated on a quarterly basis to domestic or foreign fisheries, based upon reassessment of domestic harvesting capacity. The purpose of the reserve is to allow foreign and domestic fisheries to proceed concurrently while still assuring (a) that resources are available to domestic fisheemen to the extent of their capacity to harvest, and (b) that optimum use will be made of fishery resources to the extent that domestic fishermen will not harvest these resources.

Protection of Halibut Resource. The FMP and proposed regulations include gear and catch restrictions on domestic fishermen (and gear, catch and area restrictions on foreign fishermen) for the purpose of protecting halibut stocks. These restrictions include closing a statistical area to domestic fishing when incidental catch of halibut reaches a specified level.

In-season Adjustments. The FMP and proposed regulations permit the National Marine Fisheries Service (NMFS) Regional Director to make in-season adjustments to domestic season closure dates for conservation purposes. This provision is intended to provide management flexibility in situations where conservation of the groundfish resource requires immediate action.

Notice of all closures authorized by these proposed regulations is given to vessels of the United States by publishing the notice in the FEDERAL REGISTER and by posting and use of other procedures presently used by the State of Alaska for similar notices of closure. If these mechanisms are insufficient, other measures such as designation of fishermen's associations as on-shore agents, for purposes of notice, may be considered.

Reporting Requirements. The reporting requirements of the proposed regulations contemplate delivery of U.S.-caught groundfish to on-shore processors. Should direct delivery to foreign vessels be permitted, the reporting requirements for both foreign and U.S. vessels would be modified to assure receipt of accurate information about the groundfish resource.

Agreement with the State of Alaska. Under the FMP and these proposed regulations, certain responsibilities relating to licensing, data collection and enforcement would be performed by the State of Alaska, under contract from NOAA/NMFS.

Implementation of these proposed regulations depends in part upon concluding a separate agreement with the State of Alaska to assure that these responsibilities are carried out in a manner consistent with the FCMA and the FMP.

Scientific Observers. The FMP and proposed regulations require any vessel of the United States which is subject to these regulations to take aboard a scientific observer when so requested by the Regional Director.

All interested parties are encouraged to submit written comments, views or data concerning both the FMP and these proposed regulations, which would implement the approved plan. In particular, NMFS encourages submission of comments relating to practical problems which will be encountered in implementing this management plan, and comments relating to the least disruptive means of implementing this FMP at mid-season. Comments may be submitted to the Assistant Administrator for Fisheries, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235. All such submissions received before June 4, 1978, will be considered before final action is taken on the implementing regulations.

Signed in Washington, D.C., this 11th day of April 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

Sec.
672.1 Purpose.
672.2 Definitions.
672.3 Domestic Annual Harvest, Optimum Yield and Reserve.
672.4 Incidental Catch of Halibut.
672.5 Time and Area Closures.
672.6 Gear Restrictions.
672.7 Observers.
672.8 In-season Adjustments.
672.9 Reporting Requirements.
672.10 Permit Requirements.
672.11 Penalties.

AUTHORITY: 16 U.S.C. 1855.

§ 672.1 Purpose.

(a) Regulations in this part govern fishing by vessels of the United States in the groundfish fishery of the FCZ in the Gulf of Alaska.

(b) Fishing in the Gulf of Alaska by vessels of the United States for the following stocks must be conducted in accordance with these regulations: pollock, cod, flounders, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid, and all other stocks of finfish (except salmon, steelhead trout, Pacific halibut, herring and tuna).

§ 672.2 Definitions.

The terms used in these regulations shall have the meanings that are prescribed in section 3 of the Fishery Conservation and Management Act of 1976 (the Act). In addition, the following definitions apply:

(a) *ADF&G* means the Alaska Department of Fish and Game.

(b) *Assistant Administrator* means the Assistant Administrator for Fisheries, NOAA, or a designee.

(c) *Authorized officer* means:

(1) Any commissioned, warrant, or petty officer of the Coast Guard;

(2) Any certified enforcement or special agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary or the Secretary of the Department of Transportation to enforce the provisions of the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in subparagraph (1) of this paragraph.

(d) *Directed fishery,* with respect to any species, means a fishery conducted for the purpose of catching that species.

(e) *Gulf of Alaska* means that portion of the fishery conservation zone (FCZ) in the North Pacific Ocean seaward of the State of Alaska exclusive of the Bering Sea, between 132°40' W. longitude and 170° W. longitude.

(f) *Incidental catch* means fish of any species, other than the directed fishery species, which are caught during a directed fishery.

(g) *Longline* means a stationary, buoyed and anchored line or a floating free-drifting line, with lures, baited hooks, or pots attached.

(h) *Off-bottom trawl* means a trawl in which the otter boards may be in contact with the bottom but the ground rope of the net always remains above the bottom.

(i) *Pelagic trawl* means a trawl in which neither the net nor the otter boards operates in contact with the bottom.

(j) *Regional Director* means Director, Alaska Region, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99802, or a designee.

(k) *Species*—The following terms shall have the meanings indicated:

Pollock means *Theragra chalcogrammus.*
Cod means *Gadus macrocephalus.*
Arrowtooth flounder means *Atheresthes stomias.*
Other flounder means *Pleuronectiformes* (order) not specifically defined.
Rock sole means *Lepidopsetta bilineata.*
Flathead sole means *Hippoglossoides elassodon.*
Pacific ocean perch means *Sebastes alutus.*
Atka mackerel means *Pleurogrammus monopterygius.*
Other rockfish means *Scorpaenidae* (family) not specifically defined.
Sablefish means *Anoplopoma fimbria.*
Salmonids means of the family *Salmonidae.*
Pacific halibut means *Hippoglossus stenolepis.*
Herring means *Clupea harengus pallasi.*

(l) *Statistical area* means an area of the FCZ seaward of the State of Alaska, previously established under the International North Pacific Fisheries Commission, for the general purposes of research, reporting and/or regulation. The five statistical areas in the Gulf of Alaska are described as follows:

Shumagin	between	170–159° West Longitude
Chirikof		159–154° West Longitude
Kodiak		154–147° West Longitude
Yakutat		147–137° West Longitude
Southeastern		137–132°40 West Longitude

§ 672.3 Domestic annual harvest, optimum yield, and reserve.

(a) Domestic annual harvest (DAH) and optimum yield (OY) for all species in the Gulf of Alaska regulated under this Part 672 are established in each of the five major statistical areas, as shown in Table I below:

TABLE I.—*Metric tons*

Species		Shumagin	Chirikof	Kodiak	Yakutat	Southeast	Total
Pollock	OY	57,000	54,400	40,800	12,500	4,100	168,800
	DAH	4,800	4,600	3,400	1,100	300	14,200
Cod	OY	9,600	4,100	15,300	4,300	1,500	34,800
	DAH	4,300	1,800	6,800	1,900	700	15,500
Flounder	OY	10,400	2,700	12,000	6,400	2,000	33,500
	DAH	2,200	600	2,600	1,400	400	7,200
Pacific Ocean perch (POP)	OY	2,700	2,700	5,200	7,900	6,500	25,000
	DAH	100	100	200	400	300	1,100
Other rockfish	OY	300	200	600	3,400	3,100	7,600
	DAH	100	(1)	200	900	800	2,000
Sablefish	OY	2,100	1,400	2,400	3,400	3,700	13,000
	DAH	100	(1)	100	800	3,000	4,000
Atka mackerel	OY	4,400	3,600	15,800	1,000	0	24,800
	DAH	0	0	0	0	0	0
Squid	OY	400	400	400	400	400	2,000
	DAH	0	0	0	0	0	0
Other species*	OY	4,400	3,600	5,000	2,100	1,100	16,200
	DAH	100	100	200	100	(1)	500

*All stock of finfish except: (1) those listed above; and (2) salmon, steelhead trout, Pacific halibut, herring, and tuna.

1 Trace.

(b) Optimum yield represents the total amount of each species which may be harvested by the all-nation fishery in each statistical area during any fishing season. When the Regional Director determines that the OY for any species in any statistical area has been reached, he shall close that statistical area for the remainder of the year to all foreign and domestic fishing even if OY's for other species in that statistical area have not been reached. Notice of any such closure shall be gven to domestic fishermen in accordance with the procedures in § 672.5.

(c) In any statistical area where the OY for any species is listed in Table I of this section as "O" (zero), any catch of that species in that area shall be returned to the sea immediately with a

minimum of injury regardless of its condition.

(d) The DAH's set out in Table I of this section have been subtracted from 80 percent of the optimum yield to determine the initial total allowable level of foreign fishing, leaving 20 percent of the OY set aside in a reserve. Quarterly during the year, the Regional Director may apportion all or part of this reserve to the domestic or foreign fisheries on the basis of a continuing reappraisal of DAH.

§ 672.4 Incidental catch of halibut.

(a) When the Regional Director determines that the estimated total incidental trawl catch of halibut in any statistical area during the period from December 1 through May 31 of any fishing season reaches the amount listed below, he shall close that statistical area to trawling by vessels of the United States for the remainder of that period.

Shumagin, 29 metric tons (mt)
Chirikof, 18 mt
Kodiak, 34 mt
Yakutat, 17 mt
Southeast, 14 mt.

(b) Notice of any such closure shall be given by the Regional Director in accordance with the provisions of section 672.5.

§ 672.5 Time and area closures.

(a) If the Regional Director decides to close any area pursuant to the provisions of § 672.3(b), § 672.4 or § 672.8, he shall issue a field order which includes the following information: (1) The reason for the closure; (2) a description of the area to be closed; and (3) the effective date of such closure.

(b) No field order issued under this section shall be effective until:

(1) It is published by the Assistant Administrator in the FEDERAL REGISTER;

(2) It has been posted for 48 hours, and otherwise made available to the public, in accordance with procedures customarily used by the ADF&G for posting and publicizing of similar notices of closure; and (3) it has been broadcast for 48 hours at those time intervals, channels, and frequencies customarily used by the ADF&G to broadcast similar notices of closure.

§ 672.6 Gear restrictions.

(a) *Trawl.* During the period from December 1 through May 31:

(1) No vessel subject to these regulations may use any trawl other than:

(i) An off-bottom trawl, or

(ii) A pelagic trawl equipped with recording net-sonde devices functioning properly during each tow;

(2) Duration of individual tows using off-bottom trawls shall not exceed one hour.

(3) When using pelagic trawls the footrope of the net shall not be in contact with the bottom for more than 10 percent of any tow, as indicated by the net-sonde read-out.

§ 672.7 Scientific observers.

All vessels subject to this section must, when so requested by the Regional Director, take aboard a scientific observer.

§ 672.8 In-season adjustments.

(a) The Regional Director may, following consultation with the ADF&G, adjust season closing dates in amy portion of the Gulf of Alaska groundfish fishery.

(b) Any such adjustment shall be based on a determination by the Regional Director that (1) the condition of any groundfish stock in any portion of the Gulf of Alaska is substantially different from the condition anticipated at the beginning of the fishing season, and (2) such differences reasonably support the need for in-season conservation measures to protect groundfish or halibut stocks.

(c) Fishery and observer data reported in-season which relates to one or more of the following factors may be considered in making this determination:

(1) The effect of overall fishing effort within a major statistical area;

(2) Catch per unit of effort and rate of harvest;

(3) Relative abundance of stocks within the area;

(4) Amount of halibut being caught;

(5) Condition of stocks within the area; and

(6) Any other factors relevant to the conservation of the groundfish resource.

(d) The Regional Director shall make any such in-season adjustment by issuance of a field order in accordance with the procedures set out in § 672.5.

§ 672.9 Reporting requirements.

(a) The operator of any vessel of the United States subject to these regulations shall, for each sale of delivery of any species of fish covered by these regulations, submit an accurately completed State of Alaska fish ticket. The fish ticket shall be submitted to the Regional Director within 72 hours after such fish were sold or delivered.

(1) In addition to the requirements of paragraph (a) of this section, each operator shall also accurately state on each such fish ticket: (i) total time fished, (ii) total number of hauls, and (iii) quantity and type of gear used.

(b) The operator of any vessel of the United States subject to these regulations whose port of landing is outside the State of Alaska may comply with the provisions of this section by mailing a completed Alaska fish ticket or a document containing all of the required information to the Regional Director within 72 hours after the date of each sale or delivery of any species of fish covered by these regulations. [Sample alternative document reserved.]

§ 672.10 Permit requirements.

(a) Any owner or operator of a vessel of the United States desiring to engage in fishing in the groundfish fishery in the Gulf of Alaska must first obtain a permit for that purpose.

(b) The permit may be obtained by submitting a completed State of Alaska commercial fishing license application to the Regional Director. The Regional Director shall issue the requested permit without fee, for an indefinite term, such term to include the calendar year in which the license is issued.

(c) A permit issued pursuant to this sectioin shall be carried at all times on board the vessel for which it is issued, and such permit, the vessel, its gear and equipment and catch be subject to inspection by authorized officers.

(d) Permits issued pursuant to this section may be modified or revoked by the Regional Director for violation of the Act or these regulations.

§ 672.11 Penalties.

Any person or vessels found to be in violation of these regulations will be subject to the civil and criminal penalty provisions prescribed in the Act and 50 CFR Parts 620 and 621.

FISHERY MANAGEMENT PLAN FOR THE GULF OF ALASKA GROUNDFISH FISHERY DURING 1978

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

SUMMARY

Gulf of Alaska groundfish fishery during 1978

The Gulf of Alaska Groundfish Fishery Plan was prepared by the North Pacific Council's groundfish management plan drafting team comprised of personnel from NMFS's Northwest and Alaska Fisheries Center and Alaska Regional Office; Alaska Department of Fish and Game; Alaska Commercial Fishery Entry Commission; University of Washington, International Pacific Halibut Commission and the Council's Advisory Panel.

The plan is designed to promote conservation of the groundfish resource while allowing utilization of its various components with particular reference to food production and the conservation and rehabilitation of halibut stocks.

An integral part of the plan is the management regime proposed to regulate foreign and U.S. fishing efforts which will ensure maximum long-term productivity of the resources.

Included is a comprehensive history of the fishery of the Gulf of Alaska and extrapolations showing stock(s) strength, predicted harvest totals of the domestic fishery effort and stocks expected to be made available to foreign fishing efforts.

Optimum yield evaluations have been made for each of the species or species

groups represented in the groundfish resource. This yield is expected to be about 325,700 metric tons.

The principal groundfish species represented in the Gulf of Alaska fishery are considered to be resident in that area and include Alaska pollock, Pacific cod, sablefish, Pacific ocean perch, halibut, turbot, flathead sole, rock sole and Atka mackerel. Of the total expected harvest in 1978, nearly half, or 169,000 metric tons, will be pollock.

Current projections indicates that U.S. fishermen expect to deliver some 44,500 metric tons of groundfish to shore-based processors.

Plan objectives, in addition to conservation measures designed to obtain optimum yield, include promoting the efficient use of the fishery resources but not solely for economic purposes; promotion of a fair and equitable allocation of identified available resources in such a manner that no particular user group acquires an excessive share of the privileges, development of a U.S. groundfish fishery as rapidly as is consonant with good conservation practices, and finally, basing the plan on the best scientific information possible.

Historically, the plan shows more than a century of commercial exploitation in the Gulf of Alaska fishery. The oldest fishery is the Native subsistence fishery which predates records; this was followed by a setline fishery by U.S. nationals for Pacific cod in 1867 with later fisheries developed on halibut, sablefish and groundfish. The first foreign effort of note was by Canadians during the first portion of this century for halibut.

The Asian trawl fisheries on Gulf of Alaska groundfish began in 1962 with the appearance of a Russian fleet consisting of 70 trawlers and support vessels, the effort being directed on Pacific ocean perch. The following year a smaller Japanese fleet entered the Gulf and fished for Pacific ocean perch and sablefish. From this beginning, the Asian trawl fishery expanded rapidly and their combined effort result in excessive annual catches that ranged to a peak of 380,000 metric tons in the middle 1960's. The perch fishery peaked in 1965 and has since declined to about 48,000 mt (1974). The Asian trawl fisheries dwarfs the effort of the United States and Canada combined and is directed primarily toward stocks of pollock, perch, sablefish, flounders and Atka mackerel.

The commercial fishery for halibut began in coastal waters of Washington and British Columbia and expanded into the Gulf of Alaska following World War I. Depletion of the resource by both U.S. and Canadian nationals led to a treaty between the U.S. and Canada to regulate the fishery and conduct research. Signed in 1923, the Convention established the International Fisheries Commission, later renamed the International Pacific Halibut Commission.

A combination of overfishing and environmental factors caused a continued decline in the numbers of halibut and in 1930 a new Convention was signed broadening the Commission's regulatory powers for rebuilding of the halibut stocks.

The fishery was gradually rebuilt and resulted in an all-time high landing of halibut (1962) of 24,000 mt. High annual catches continued until 1966 at which time a decline began so that by 1974 landings consisted of only 7,300 mt, the greatest portion of which came from central Gulf of Alaska. For the 20-year period 1955—75, between 65 and 80 percent of the total halibut landed came from the Gulf of Alaska.

Japanese fishing in the Gulf of Alaska first became significant in 1960. Exploration continued for several years and in 1963 large trawlers were introduced. Their target was, and continues to be, Pacific Ocean perch with substantial amounts of other groundfish taken.

This Japanese effort was undoubtedly spurred by the increased activity of the Russian fishing industry. Japan had shown prior constraint in pursuing a Gulf trawl fishery, at least partly in consideration for the potential impact that effort might have on halibut.

The Republic of Korea entered the fishery in 1972, five years after their Bering Sea operations had begun. They began by longlining for sablefish but have also had substantial trawl operations.

Poland conducted small fisheries efforts on Gulf of Alaska groundfish in 1974 and 1975 with reported catches of 2,000 mt in 1975; the catches were mostly pollock, Atka mackerel and rockfish.

A Taiwanese longliner began fishing in the Gulf of Alaska in 1975. Three longliners and a factory stern trawler were observed in the Gulf in 1976.

Regulatory measures currently in effect are those established by the State of Alaska, the International North Pacific Fisheries Convention, the International Pacific Halibut Commission, and the implementing regulations for the preliminary management plans (foreign only) effective March 1, 1977.

Prior to the implementation of the Fishery Conservation and Management Act of 1976, the only regulation on the foreign fishery was a series of bilateral agreements between the United States and Japan, the Soviet Union, Republic of Korea, Republic of China, and Poland. In addition, Federal acts controlled the foreign fishery within 12 miles of the coast and those species considered "creatures of the Continental Shelf." Enforcement power under the bilateral agreements was allotted to the flag country.

The management regime draws from many different sources concerning groundfish stocks for allowable catches and efforts. Seasons, allocations among user groups, restrictions as to times, gear, quantities, methods, etc., are detailed and explained with references both historic and current.

The management provisions adopted by the North Pacific Council are based on a policy of protecting and rebuilding the halibut resource in the Gulf of Alaska and within that parameter encouraging as rapid a growth as possible of the U.S. groundfish fishery. To further that goal, the Council makes the following recommendations:

1. Close the Gulf of Alaska east of 140° West longitude to all foreign longlining. Elsewhere prohibit foreign longlining landward of the 500 meter isobath, except that a directed Pacific cod longline fishery may be conducted landward of the 500 meter isobath west of 157° West longitude, except during the halibut season as set by the International Pacific Halibut Commission. Reduce the optimum yield for sablefish to 13,000 metric tons for the entire Gulf to encourage rapid rebuilding of these stocks to MSY and increase the size of fish available. These measures are designed to encourage the U.S. longline fishery and protect halibut.

2. Recommend the initial foreign allocation of surplus stocks be computed by the following formula: OY−(20% of OY=DAH)=initial foreign allocation. The 20 percent of OY held as a reserve should be reallocated either to the foreign fisheries or to the domestic fishery in-season, following a reassessment of U.S. development.

3. Base DAH on the estimated catch by U.S. fishermen to be delivered to U.S. processors. They recommend that joint ventures involving the delivery of raw fish to foreign processors by U.S. fishermen be prohibited until July 1, 1978, when the concept should be reevaluated in light of U.S. performance in the groundfish fishery to that time.

4. Distribute the OY through the five INPFC statistical areas in the Gulf of Alaska proportional to the biomass of the stocks found in those areas. This provision to apply both to U.S. and foreign fishermen.

5. Establish three no-trawling areas for foreign fishermen off Southeastern Alaska to protect the expanding U.S. sablefish longline fishery.

6. Close the U.S. trawl fishery when the incidental catch of halibut reaches a certain point.

7. Develop an observer program aboard U.S. trawlers to gather information on the developing groundfish fishery and monitor the incidental catch of halibut.

Section 12 of the plan sums up the environmental impacts expected from promulgation of this plan.

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2.0 Introduction.

This Fishery Management Plan has been developed by the North Pacific Fishery Management Council and is for the groundfish fishery (excluding Halibut) of the Gulf of Alaska during 1978. It is intended to replace the current Preliminary Fishery Management Plan (PFMP) for the trawl fishery of the Gulf of Alaska and that portion of the PFMP for the sablefish setline/trap fishery which deals with the Gulf of Alaska. Both of those PFMP's were developed by the National Marine Fisheries Service and implemented by the Secretary of Commerce in early 1977.

In terms of both the fishery and the groundfish resource, the Gulf of Alaska groundfish fishery (excluding Halibut) forms a distinct management unit. The history of fishery development, target species and species composition of the commercial catch, bathemetry, and oceanography are all much different in the Gulf than in the adjacent Bearing Sea/Aleutian and British Columbia to California regions. Although many species occur over a broader range than the Gulf of Alaska, with only a few exceptions (e.g. halibut and perhaps sablefish) stocks of common species in the Gulf are believed different from those in adjacent aregions.

Even though the International Pacific Halibut Commission is responsible for management of the North American halibut fishery, the potential adverse impact on halibut of a fishery for opther groundfish species is so great that it must be taken into account in the management of the groundfish fishery. Therefore, certain pertinent aspects of the halibut resource and the directed fishery it supports are described in this Fishery Management Plan. Throughout this document, the term "groundfish" and "bottomfish" exclude Pacific halibut unless otherwise noted. Fishery Management Plan follows almost exactly the "Outline for Fishery Management Plans" adopted by the North Pacific Council and forms the major component of an Environmental Impact Statement which assesses the effect that implementation of this Plan is expected to have on the environment of the region which encompasses the Gulf of Alaska.

2.1 Goals and objectives for management plan.

This management plan is designed to meet the requirements of the Fishery. Conservation and Management Act of 1976 and its National Standards by achieving the following objectives:

1. Promote conservation while providing for the optimal yield from the Gulf of Alaska groundfish resource in terms of: providing the greatest overall benefit to the nation with particular reference to food production and recreational opportunities; avoiding irreversible or long-term adverse effects on fishery resources and the marine environment; and insuring availability of a multiplicity of options with respect to the future uses of these resources.

2. Promote, where possible, efficient use of the fishery resources but not solely for economic purposes.

3. Promote fair and equitable allocation of identified available resources in a manner such that no particular group acquires an excessive share of the privileges.

4. Base the plan on the best scientific information available.

In accomplishing these broad objectives a number of secondary objectives have been considered:

a. Conservation and management measures have taken into account the unpredictable characteristics of future resource availability and socio-economic factors influencing the viability of the industry.

b. Where possible, individual stocks of fish are managed as a unit throughout their range, but such management is in due consideration of other impacted resources.

c. In such instances when stocks have declined to a level below that capable of producing MSY, management measures promote rebuilding the stocks. In considering the rate of rebuilding, factors other than biological consideration have been taken into account.

d. Management measures, while promoting efficiency where practicable, are designed to avoid disruption of existing social and economic structures where fisheries appear to be operated in reasonable conformance with the Act and have evolved over a period of years as reflected in community characteristics, processing capability, fleet size and distribution. These systems and the resources upon which they are based are not static, but change in the existing regulatory regime should be the result of considered action based on data and public input.

e. Management measures should contain a margin of safety in recommending allowable biological catches when the quality of information concerning the resource and the ecosystem is questionable. Management plans should provide for accessing biological and socio-economic data in such instances where the information base is inadequate to effectively establish the biological parameters of the resource or to reasonably establish optimum yield. This plan has identified information and research required for further plan development.

f. Fishing strategy has been designed in such a manner as to have minimal impact on other fisheries and the environment.

2.2 Operational definitions of terms.

1. Determinants of catch levels. a. Maximum sustainable yield (MSY) is an average over a reasonable length of time of the largest catch which can be taken continuously from a stock under current environmental conditions. It should normally be presented with a range of values around its point estimate. Where sufficient scientific data as to the biological characteristics of the stock do not exist or the period of exploitation or investigation has not been long enough for adequate understanding of stock dynamics, the MSY will be estimated from the best information available.

b. Equilibrium yield (EY). The annual or seasonal harvest which allows the stock to be maintained at approximately the same level of abundance (apart from the effects of environmental variation) in succeeding seasons or years.

c. Acceptable biological catch (ABC) is a seasonally determined catch that may differ from MSY for biological reasons. It may be lower or higher than MSY in some years for species with fluctuating recruitment. It may be set lower than MSY in order to rebuild overfished stocks.

d. Optimum Yield (OY) may be obtained by a plus or minus deviation from ABC for purposes of promoting economic, social or ecological objectives as established by law and public participation processes. Ecological objectives, where they primarily relate to biological purposes and factors are included in the determination of ABC. Where biological objectives relate to resolving conflicts and accommodating competing uses and values, they are included as appropriate with economic and/or social objectives. OY may be set higher than ABC in order to produce higher yields from other more desirable species in a multi-species fishery. It might be set lower than ABC in order to provide farger sized individuals or a higher average catch per unit effort.

2. Determination of domestic annual fishing capacity and expected harvest. a. Domestic annual fishing capacity (DAC) is the total potential physical capacity of the fleets, modified by logistic factors. The components of the concept are:

(1) An inventory of total potential physical capacity, defined in terms of appropriate vessel and gear characteristics (e.g., size, horsepower, hold capacity, gear design, etc.).

(2) Logistic factors determining total annual fishing capacity (e.g., variations in vessel and gear performance, trip length between fishing locations and landing points, weather constraints, etc.).

b. Expected domestic annual fisheries harvest (DAH) is the domestic annual fishing capacity modified by other factors which will determine estimates of what the fleets will harvest (e.g., how fisherman will respond to price changes in the subject species and other species, etc.).

These concepts should be placed in a dynamic context of past trends and future projections. For example, physical fleet capacity should not simply be last season's inventory of vessels and hold measurements (although this is appropriate for present interim planning), but also next year's projected movement into and out of the fishery. Vessels under construction should be included and attrition should be estimated.

The determination of domestic annual fishing capacity and expected harvest should be made on the best available information.

3. Determination of foreign allowable catch (FAC). The foreign allowable catch is determined by deducting the expected domestic annual expected harvest from the optimum yield.

3.0 Description of the fishery.

3.1 Areas and stocks involved.

The Gulf of Alaska is defined to include that portion of the North Pacific Ocean exclusive of the Bering Sea, between the eastern Aleutian Islands at 170°W and Dixon entrance at 132°40'W and includes the following major statistical areas: Shumagin, Chirikof, Kodiak, Yakutat, and Southeastern (Figure 1). Total area of Continental Shelf in the Gulf of Alaska is about 160,000 square km, which is more than the shelf area in the Washington-California region but less than 25 percent of that in the eastern Bering Sea. Between Canada and Cape Spencer in the Gulf of Alaska the Continental Shelf is narrow and rough. North and west of Cape Spencer it is broader and ore suitable for trawling. As it curves westerly from Cape Spencer towards Kodiak Island it extends some 50 miles seaward, making it the most extensive shelf area south of the Bering Sea. West of Kodiak Island and proceeding along the Alaska Peninsula toward the Aleutian Islands, the shelf gradually becomes narrow and rough again.

Diversity of commercial bottomfish species in the Gulf of Alaska is intermediate between the Bering Sea, where the fewest species occur, and the Washington-California region, where the most species are present. Much of the reduced diversity in the Gulf of Alaska results from a simplification in the rockfish community (Scorpaenidae). For example, in the Oregon-Washington

region a total of 22 species of rockfishes (genus *Sebastes* and *Sebastolobus*) were encountered in exploratory fishing surveys, while in the Gulf of Alaska only 13 species were identified and only 5 occurred in more than trace quantities (Alverson, et al, 1964). In the Alaska Peninsula region only six species of rockfish were encountered. Only one species or rockfish, Pacific ocean perch (*Sebastes alutus*) has been the target of a major fishery in the Gulf of Alaska.

The relative abundance of fishes in the cod family (Gadidae) is also different in the Gulf of Alaska compared to the other regions. Pacific hake (*Merluccius productus*), the most abundant of the cod-like fishes off Washington-California, is present only in the southern portion of the Gulf and generally not in commercial quantities. Pollock (*Theragra chalcogramma*), the dominant "cod" and largest element in the bottomfish biomass of the Bering Sea, is much less abundant in the Gulf of Alaska and becomes progressively scarcer to the south until it is practically absent off Oregon. However, the abundance of pollock in the Gulf of Alaska has increased by perhaps an order of magnitude during the past decade or so coincident with a reduction in the abundance of Pacific ocean perch and sablefish (*Anoplopoma fimbria*). Pollock now appear to comprise the largest exploitable biomass within the gadoid community in the Gulf, approaching perhaps that of Pacific hake in the Washington-California region but far smaller than that of pollock in the Bering Sea. Pacific cod (*Gadus macrocephalus*) may reach its greatest level of abundance in the Gulf.

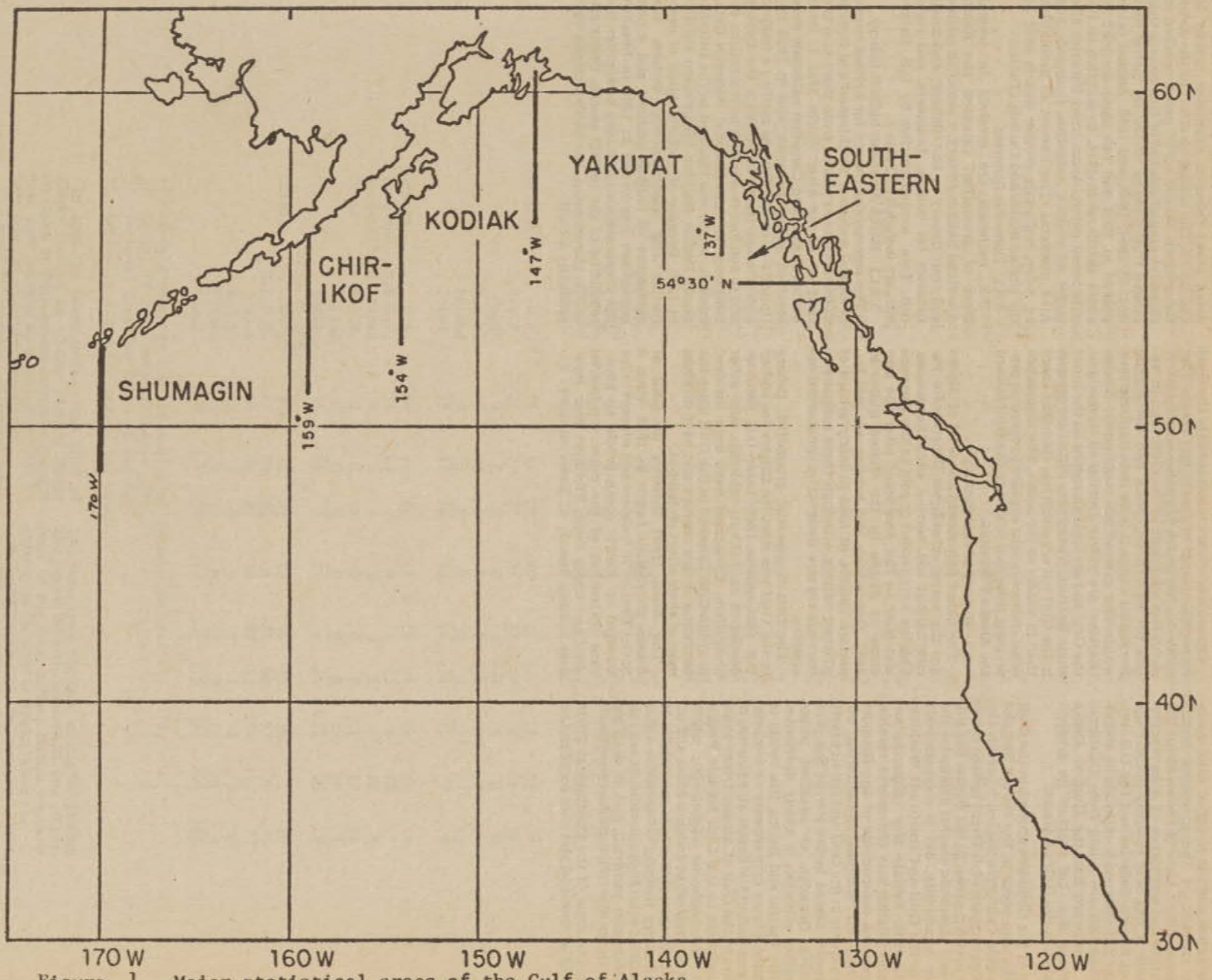


Figure 1.--Major statistical areas of the Gulf of Alaska.

Other abundant groundfishes which have been the target of fisheries in the Gulf include sablefish and the so-called Atka mackerel, a member of the greenling family (Hexagrammidae). Little is known about the distribution and abundance of Atka mackerel because it has only recently become the target of foreign fisheries and the U.S. surveys were not designed to estimate its abundance. Sablefish are found from California waters northward into the Gulf of Alaska and Bering Sea, but reaches its greatest abundance in the Gulf of Alaska.

Many of the flounders present in the Gulf of Alaska also occur in the Bering Sea and Washington-California region; however, the relative abundance of different species varies greatly between areas. In the Bering Sea yellowfin sole (*Limanda aspera*) dominates the flounder community, but is comparatively scarce in the Gulf and absent off Washington-California. Petrale sole (*Eopsetta jordani*) and English sole (*Parophrys vetulus*) are important components of the flounder community off Washington-California but they are scarce in the Gulf and for all practical purposes absent in the Bering Sea. The arrowtooth flounder, or so-called turbot (*Atheresthes stomias*), is widely distributed along the Pacific and Bering Sea coasts of the United States and appears to comprise the largest part of the exploitable biomass of flounders in the Gulf of Alaska. Other abundant flounders in the Gulf include Pacific halibut (*Hippoglossus stenolepis*), which reaches its greatest abundance there and off British Columbia; rock sole (*Lepidopsetta bilineata*); starry flounder (*Platichthys stellatus*); flathead sole (*Hippoglossoides*); rex sole (*Glyptocephalus zachirus*); and, in deep water, the Dover sole (*Microstomus pacificus*).

Along the slope of the Continental Shelf, rattails (*Macrouridae*) and idiot rockfish (*Sebastolobus*) are important components of the groundfish community.

Elasmobranchs are represented in the Gulf by several species of sharks and skates. The spiny dogfish shark (*Squalus acanthias*), is much less abundant in the Gulf than in waters off British Columbia and the Pacific Northwest where it is an important element within the groundfish community. Skates (*Rajidae*) are widely distributed throughout the Gulf and are most abundant on the inner shelf. Ratfish (*Hydrolagus collei*) are present in the Gulf but are much less abundant there than in waters to the south. The abundance of all elasmobranchs appears to decrease progressing from east to west in the Gulf toward the Alaska Peninsula.

3.2 History of exploitation.

The oldest fisheries in the Gulf of Alaska are the native subsistence fisheries for Pacific halibut, cod, herring, and other species. Catches were traded or sold to the Russians and later to the Americans after the purchase of Alaska by the United States in 1867. Groundfish and herring are still important sources of food to many groups of Alaskan natives, although these subsistence harvests are now dwarfed by commercial operations.

The first commercial groundfish fishery in the Gulf was a setline fishery for cod by U.S. nationals in 1867. Later U.S. fisheries developed on halibut, sablefish, and other groundfish. Canadians have been involved in groundfish fisheries in the Gulf since the beginning of this century and have directed most of their effort on halibut.

The Asian trawl fisheries on Gulf of Alaska groundfish began in 1962 when a Soviet fleet of 70 trawlers and support ships targeted on Pacific ocean perch, an abundant bottomfish of the outer continental shelf and upper slope. The next year Japanese fishing vessels of lesser numbers entered the Gulf and began directed fisheries on Pacific ocean perch and sablefish. The Asian trawl fisheries expanded rapidly in the 1960's. The combined effort of the Asian fisheries on Pacific ocean perch resulted in excessive annual catches of this species that ranged from 240,000 to 380,000 metric tons (mt) in 1964, 1965, and 1966. Annual catch peaked in 1965 and has since declined to about 48,000 mt in 1974. In addition to Pacific ocean perch, Asian trawl fisheries also target on pollock, sablefish, flounders, and Atka mackeral. The harvest of groundfish by Asian nationals greatly dwarfs that of the United States and Canada (Table 1).

3.2.1 Domestic fisheries.

U.S. nationals are involved in several types of groundfish fisheries: the North American halibut fishery, a sablefish setline and trap fishery, a bait fishery, and small fisheries for pollock, flounders, and rockfish. Total annual catches by U.S. fishermen are included in Table 1.

3.2.1.1 North American halibut fishery.

The commercial fishery for halibut began in coastal waters of Washington and British Columbia and expanded from there into the Gulf of Alaska after World War I. Both United States and Canadian nationals were involved in the fisheries, and in 1923 the United States and Canada ratified a halibut conservation treaty to regulate the fishery and to conduct research. The convention established the International Fisheries Commission, which was changed to the International Pacific Halibut Commission (IPHC) in 1953. Because of a combination of overfishing and environmental factors, the abundance of halibut declined and a new convention was signed in 1930 to broaden the Commission's regulatory powers for the rebuilding of the halibut stocks. Under scientific management, the halibut stocks were gradually rebuilt.

Table 1.--Groundfish catches (approximate) from the Gulf of Alaska, 1967-75.

Species	Country	1967	1968	1969	1970	1971	1972	1973	1974	1975 1/
		(1,000 metric tons)								
Rockfishes	U.S.	tr	tr	tr	tr	tr	tr	tr	tr	tr
(primarily	U.S.S.R.	66	45	19	2/	30	24	4	17	10
Pacific	Japan	54	56	55	45	49	53	54	41	34
ocean perch)	R.O.K.	0	0	0	0	0	0	2/	2/	2/
	Poland	0	0	0	0	0	0	2/	2/	2/
	Total	120	101	74	45	79	77	58	58	44
Pollock	U.S.	0	0	0	0	0	0	0	tr	tr
	U.S.S.R.	2/	2/	2/	2/	tr	20	30	31	38
	Japan	6	6	18	9	9	14	7	30	10
	R.O.K.	0	0	tr	0	0	1	1	2/	2/
	Poland	0	0	0	0	0	0	2/	2/	2/
	Total	6	6	18	9	9	35	38	61	48
Atka	U.S.	0	0	0	0	0	0	0	0	0
mackerel	U.S.S.R.	2/	2/	2/	2/	2/	2/	9	18	20
	Japan	0	0	0	0	0	0	0	0	0
	R.O.K.	0	0	0	0	0	0	0	0	0
	Poland	0	0	0	0	0	0	2/	tr	1
	Total	0	0	0	0	0	0	9	18	21
Sablefish	U.S.	tr	tr	tr	tr	tr	1	1	1	1
	U.S.S.R.	2/	2/	2/	2/	tr	1	1	tr	tr
	Japan	5	15	19	24	25	36	27	24	18
	R.O.K.	0	0	0	0	0	0	1	3	2
	Poland	0	0	0	0	0	0	2/	2/	2/
	Total	5	15	19	24	25	38	30	28	21
Flounder	U.S.	0	tr	tr	tr	tr	tr	tr	tr	tr
	U.S.S.R.	2/	2/	2/	2/	2/	2	1	2	2
	Japan	5	3	3	4	2	8	19	7	2
	R.O.K.	0	0	0	0	0	0	0	2/	2/
	Poland	0	0	0	0	0	0	2/	2/	tr
	Total	5	3	3	4	2	10	20	9	4
Halibut	U.S. 3/	19	17	20	20	16	14	11	7	9
	U.S.S.R.	2/	2/	2/	2/	2/	tr	tr	tr	tr
	Japan	0	0	0	0	0	0	0	0	0
	R.O.K.	0	0	0	0	0	0	0	0	0
	Poland	0	0	0	0	0	0	2/	2/	tr
	Total	19	17	20	20	16	14	11	7	9
Others	U.S.	tr	tr	tr	tr	tr	tr	tr	tr	tr
(cod and	U.S.S.R.	11	14	1	9	1	22	8	10	9
unidentified	Japan	4	4	2	3	3	2	7	10	9
fish)	R.O.K.	0	0	0	0	0	0	tr	tr	tr
	Poland	0	0	0	0	0	0	tr	tr	1
	Total	15	18	3	12	4	24	15	20	19
Total	U.S. 3/	19	17	20	20	16	15	12	8	10
	U.S.S.R.	77	59	20	9	31	69	53	78	79
	Japan	74	84	97	85	88	113	114	112	73
	R.O.K.	0	0	0	0	0	1	2	3	2
	Poland	0	0	0	0	0	0	tr	tr	2
	Total	170	160	137	114	135	198	181	201	166

1/ Japan's catch is for the months of January to October, 1975.
2/ Catch, if any, included under "other".
3/ Includes Canadian catch of halibut.
4/ Excluding discarded incidental catch.

In 1962 the landings from the Gulf of Alaska reached an all-time high of 24,000 mt (table 2). High annual catches continued until 1966 followed by a decline so that by 1974 only some 7,300 mt were landed.

The greatest proportion of halibut taken by United States and Canadian nationals in the northeast Pacific and eastern Bering Sea came from the Gulf of Alaska. During the period 1955-75, between 65 and 80 percent of the total halibut landed annually came from the Gulf of Alaska (table 2).

A combination of factors may have brought about the decrease in the abundance of halibut which began in the 1960's. The catch limits during the period of peak

production may have been set too high for the North American fishery. A reduction in the number of young fish being recruited to the fishery became evident in the mid-1960's and continued through 1975. The intensive foreign trawl fisheries in the Gulf of Alaska, active since 1962, have aggravated this decline since juvenile halibut are taken incidental to their target species.

TABLE 2.—*Catch of Pacific halibut by U.S. and Canadian vessels in the Gulf of Alaska (1955–75). Catch in metric tons (dressed weight).*

Year	Gulf of Alaska						
	United States		Canada		Total	Total[1]	
		Percent		*Percent*	*A*	*B*	*Percent*[2]
1955	13,078	75	4,255	25	17,333	26,091	66
1956	15,878	77	4,869	23	20,747	30,204	69
1957	14,415	75	4,877	25	19,292	27,656	70
1958	13,744	70	5,906	30	19,650	29,261	67
1959	15,554	69	6,921	31	22,475	32,298	70
1960	14,028	66	7,244	34	21,272	32,480	65
1961	15,260	69	6,845	31	22,105	31,422	70
1962	15,329	65	8,276	35	23,605	33,957	70
1963	12,720	60	8,648	40	21,368	32,313	66
1964	10,559	49	9,998	51	20,557	27,118	76
1965	12,433	55	10,092	45	22,525	28,656	79
1966	12,603	56	9,862	44	22,465	28,130	80
1967	12,215	63	7,063	37	19,278	25,048	77
1968	7,897	47	8,877	53	16,774	22,042	76
1969	10,478	53	9,436	47	19,914	26,433	75
1970	11,267	58	8,319	42	19,586	24,920	78
1971	9,100	56	7,058	44	16,158	21,162	76
1972	8,643	60	5,698	40	14,341	19,452	74
1973	7,519	68	3,573	32	11,092	14,397	77
1974	5,845	80	1,440	20	7,285	9,664	75
1975	6,811	76	2,173	24	8,984	12,526	72

[1]Northeast Pacific and east Bering Sea.
[2]Combined totals of cols. A and B.

3.2.1.1.1 Vessels and gear.

The halibut fleet is composed of vessels over five net tons licensed by the International Pacific Halibut Commission and those under that size do not require an IPHC license. The former have been the mainstay of the halibut fishery and consist mainly of schooners and the more versatile seine-type vessels that can be used for trawling and seining in other fisheries; most are less than 40 net tons (Table 3).

Many of the small unlicensed boats were originally built for the salmon gillnet fishery. These one or two person boats fish for halibut with a variety of hook and line gear. Although the small boat fleet far outnumbers the licensed halibut fleet (see table 3), they land less than 20 percent of the total halibut catch. Most of them fish for halibut for only a few weeks before the salmon season or take halibut incidentally while fishing for salmon.

Licensed vessels use a unit of setline gear called a "skate" which consists of a longline on which branchlines or gangions each with a hook are attached at regular intervals. Longlines are 300 fathoms in length and several of these are spliced end to end to form the groundline, which is set on the sea bottom with baited hooks. The gear is left on the bottom for periods from 4 to 30 hours (soaking time). Fishing usually is conducted at depths between 45 and 150 fathoms, but may take place as shallow as 15 fathoms or as deep as 300 fathoms.

TABLE 3.—*Number of licensed and unlicensed vessels by area and nationality, 1976 (from IPHC)*

Vessel category	Number of vessels						
	Area 2[1]		Area 3*[2]		Total		
	Canada	United States	Canada	United States	Canada	United States	Grand total
Unlicensed vessels:							
Trollers	1,103	1,177	0	68	1,103	1,245	2,348
Setliners	263	507	1	343	264	850	1,114
Total	1,366	1,684	1	411	1,367	2,095	3,462
Licensed vessels:							
5 to 19 tons**	266	127	6	127	272	254	526
20 to 39 tons	31	31	19	68	50	99	149
40 to 59 tons	2	3	8	15	10	18	28
60 plus tons	0	1	16	5	16	6	22
Total	299	162	49	215	348	377	725
Grand total	1,665	1,846	50	626	1,715	2,472	2,187

*Includes vessels that fished in both areas.
**Includes small vessels of unknown tonnage.
[1]Includes INPFC areas Shumagin, Chirikof, Kodiak, and Yakutat.
[2]Includes waters of southeastern Alaska south to California.

3.2.1.1.2 Catch and effort.

During the early years of the Gulf of Alaska fishery the catch of halibut by U.S. nationals dwarfed that of the Canadians. In 1929 the U.S. catch of 18,200 mt was the highest ever recorded from the Gulf of Alaska by U.S. nationals. From 1930 to 1945 the U.S. annual catch averaged 14,360 mt and that of the Canadians about 880 mt. After 1945 the Canadian catch gradually increased and by the 1960's and early 1970's between 37 and 53 percent of the total Gulf

of Alaska annual halibut catches were landed by Canadians. Their peak catch was about 10,100 mt in 1965. since 1973 their catch and contribution to the total have declined (table 2).

U.S. catches were relatively high during the years 1955 to 1962 but have gradually declined, reaching an all-time low of some 5,800 mt in 1974 (table 2).

The most productive period of the Gulf of Alaska halibut fishery was from 1956 to 1967 when the annual catches ranged from 19,300 to 23,600 mt. The catches in 1974 and 1975 were less than 9,000 mt.

3.2.1.2 Sablefish setline fishery.

The sablefish fishery began about 1906, and was relatively unimportant until about 1935 when the catch began to increase. The peak was reached in 1946 when slightly more than 2,800 mt were landed. Since then the catch has declined. Currently annual catches are less than 1,100 mt. The fishery is centered in the inside marine waters of southeastern Alaska where over 90 percent of the annual harvest occurs. It is an offseason fishery that is pursued mainly by Alaskan halibut fishermen after the close of the halibut season in the early fall. A few crab and salmon fishermen also switch over to sablefish in the fall. Recently, some vessels have been using traps for sablefish.

3.2.1.2.1 Vessels and gear.

In 1976, 159 vessels using longlines and six vessels using fish pots fished for sablefish with over 80 percent of the catch being taken by longline gear.

Technological advances are presently changing the fishery for sablefish. Within recent years Alaska fishermen have reduced the hook size and spacing substantially. To compensate for the resulting increased work load many fishermen are delivering much of the catch undressed in slush ice and are using automatic baiting machines, thereby increasing their efficiency and also reducing the crew size.

3.2.1.2.2 Catch and effort.

Since the inception of the Alaska sablefish fishery, demand has dictated catch level more than has stock size, with rapid increases in catch during the 1940's because of the expanded market for the vitamins from liver. Harvest levels gradualy decreased after 1945 mainly because of the declining market. However, catch per skate, derived from log book records from the early 1930's through 1960, also indicates a consistent downward trend. The data also indicates a marked decline in the average size of fish during this period. Landings and efforts during the late 1960's and early 1970's reached a record low primarily because of a movement of fishermen into other fisheries as a result of poor prices and depressed stock levels in favored fishing areas. Effort increased considerably in 1972 in conjunction with rising prices. In 1973 the State of Alaska instituted a quota of 1 million pounds (454 mt) for the northern districts of southeastern Alaska to stop the decline of stocks in those districts. During 1974, higher costs, relatively low prices, and poor stock condition all were instrumental in keeping the effort down. An analysis of the trends of the fishery indicates the quota area in northern southeast Alaska will continue to have a high number of landings relative to other areas. Although Alaskan sablefish fishermen have almost ceased fishing in the outside waters because of the extensive foreign effort, there is a potential for a large domestic sablefish fishery in these outside waters if meaningful restrictions are placed on the foreign effort.

3.2.1.3 Bait fishery.

The Gulf of Alaska bait fishery arose mainly in response to the need for bait in the growing crab fisheries of Alaska. The halibut fishery also required substantial amounts of groundfish for bait. The bait fishery occurs from Prince William Sound west to the Aleutians, but some two-thirds of the catch is landed in Kodiak. The catch consists largely of pollock, Pacific cod, and various flounder species.

3.2.1.3.1 Vessels and gear.

Goundfish for bait is taken primarily as a bycatch in the Kodiak shrimp fishery. There are also two to five trawlers in the Kodiak area which direct a substantial amount of effort towards catching groundfish for bait. Several shrimp fishermen have invested in groundfish gear in order to target on various bait species. This action appears to be initiating a trend among shrimp vessels of carrying trawls with large mesh web aboard so that concentrations of groundfish encountered in the shrimp grounds can be fished when bait prices are high.

3.2.1.3.2 Catch and effort.

Although the catch of groundfish for bait increased from 96 metric tons in 1972 to 303 mt in 1976, it now appears to be reaching its peak because of market saturation. However, the unrecorded catch for bait may be equal to or exceed the recorded catch. A large amount of cod (estimated to be about 1,000 mt) is caught and utilized on board by the Canadian and United States halibut boats. An additional amount is transferred by shrimp vessels to crab vessels on the fishing grounds. Crab vessels also trawl for bait.

3.2.1.4 Other domestic groundfish fisheries.

In 1976 a fishery for flounders and pollock started in southeastern Alaska. It centered in Petersburg where a fleet of three boats trawled for pollock during the winter and for flounders during the spring. Approximately 120 mt of flounders and 60 mt of pollock were landed in 1976. A new seine fishery for pollock also began in 1976 in which an additional 126 mt of pollock were caught. This seine fishery is a sideline activity for many of the salmon seiners in the Petersburg area. It now appears that there may be a shift from seining to trawling for pollock.

There is a small incidental catch of rockfish in the halibut and sablefish setline fisheries. In 1976 the catch reached about 128 mt of which 98 percent were taken in southeastern Alaska waters.

In addition an estimated 2,700 mt of small "waste fish," primarily capelin and juvenile pollock, are taken incidentally by the Alaska shrimp fishery.

3.2.2 Foreign fisheries.

3.2.2.1 Canada.

Canadians began fishing Alaskan waters around the turn of the century when they participated to a very limited extent in the former setline fishery for cod. It is not clear whether such participation occurred prior to 1900 during the early period of the cod fishery, but it is known that one or two Canadian operations for cod took place off Alaska about 1902 and 1913 (Forrester, et al., in press). Information on the extent and area of origin of these Canadian catches of cod is not available so it cannot be determined whether they were caught in the Gulf of Alaska or in the Bering Sea.

Canadian involvement in the North American setline fishery for halibut in the Gulf of Alaska dates back to the 1920's and has continued until present (see section 3.2.1.1).

Canadian vessels also take relatively small amount of other groundfish (sablefish, cod, lingcod, and rockfish) in the Gulf of Alaska, entirely from southeastern Alaska waters.

3.2.2.1.1 Vessels and gear.

Canadian fisheries on Pacific halibut are carried out by small longline vessels (see Section 3.2.1.1.1 on North American halibut setline fishery). Other groundfish are harvested by several kinds of small vessels.

3.2.2.1.2 Catch and effort trends.

The annual average Canadian harvest of groundfish from the Gulf of Alaska during the period 1963-1975 was reported as being 9,340 mt of halibut and 118 mt of other groundfishes. The annual Canadian harvest of halibut from the Gulf steadily increased from less than 5,000 mt prior to 1947 to a maximum of 10,000 mt in 1965. Since 1973 their annual catch has been less than 4,000 mt and has comprised between 20 and 32 percent of the total United States-Canadian halibut catch in the Gulf of the years 1973 through 1975.

3.2.2.2 U.S.S.R.

Soviet fishing vessels first appeared off Alaska in the eastern Bering Sea in 1959, and by 1962 Soviet trawling operations had expanded into the Gulf of Alaska. Their principal target species was Pacific ocean perch, but with the decline of these stocks in the late 1960's and early 1970's, the Soviet fisheries shifted to other less heavily exploited fish, such as pollock, Atka mackerel, and flounders. In contrast to Japan's fishery, which includes both trawls and longlines, all fishing by the U.S.S.R. in the Gulf of Alaska has been with trawls.

3.2.2.2.1 Vessels and gear.

The U.S.S.R., more than any other nation, has utilized the expeditionary or flotilla concept in its fishing operations off the Pacific and Bering Sea coasts of the United States. This involves the deployment of several kinds of vessels in support of its catcher fleet. In the Gulf of Alaska these support vessels have included factoryships for receiving and processing catches; refrigerator transports to replenish stores aboard the catcher vessels and to receive, freeze, and transport their catches to the homeland; oil tankers, tugs; partol vessels; passenger ships and research vessels. Refrigerator transports are the mainstay of the support operations and some are upward of 200 meters in length and 25,000 gross tons or more. A large refrigerator transport to store 25,000 gross tons has a hold capacity to store about 12,000 tons of frozen products, which is equivalent to the capacity loads of about 13 of the factory stern trawlers now in use—or six to eight of the new supertrawlers recently ordered into production.

Side trawlers and factory stern trawlers are the two kinds of catcher vessels which have been employed by the U.S.S.R. (Hitz, 1968). Side trawlers shoot and haul their nets over the side of the vessel and are smaller and less versatile than the factory trawlers which deploy their nets over the stern. Three classes of side trawlers have been used. Smallest and oldest of the side trawlers is the SRT class of 265-355 gross tons and a crew of 22 to 26. Next largest of the side trawlers is the SRTR class of refrigerated medium trawlers of 505-630 gross tons and a crew of 26-28. Largest of the refrigerated side trawlers is the SRTM class of around 700 gross tons with a crew of about 30. Side trawlers, particularly SRTM's, often operate independently by

processing and freezing their own catches; however, they also may offload their catches to factory ships for processing. Side trawlers are being phased out of Soviet operations off Alaska, only a few of the SRTM class have appeared in the last 2 years.

Factory stern trawlers are the largest of the catcher vessels used by the Soviets. They typically process and freeze their own catches. Because of their larger size and more efficient layout for handling the net over the stern, factory trawlers are capable of fishing under worse weather conditions than side trawlers. The most common factory stern trawler in use off the Pacific and Bering Sea coasts of the United States has been the so-called BMRT of 3,170 gross tons and a crew of about 90. In recent years a new class of factory stern trawler, the RTM, has come into use. It is of the same general size as a BMRT but has the advantage of a larger deck area aft for handling gear and fish. Several new classes of "supertrawlers" have been scheduled for serial production by the U.S.S.R. They will be from 4,000 to 5,500 gross tons, up to 7,000 horsepower, and will double the daily fish production and freezing capacity of the factory stern trawlers now in use.

A characteristic feature of the Soviet fishery is a greater reliance on support vessels than by Japan. This appears to be mainly because the catches are not processed to as great an extent aboard Soviet vessels as on Japanese vessels. The more highly processed Japanese products occupy less space aboard the catcher vessels, which means they do not have to unload as frequently as Soviet vessels; hence, there is less need for refrigerator transports.

Soviet officials have as of this writing informed the United States that they plan not to use side trawlers and factoryships in the northeastern Pacific in 1977.

3.2.2.2.2 Catch and effort trends.

The Soviet fishery in the Gulf of Alaska has been a classic example of pulse fishing in which massive fishing effort is generated on local stocks with an early buildup in catches, followed by declining yields as abundance quickly falls off, and a shift of effort to other species or grounds. This pattern of fishing was followed by the U.S.S.R. on Pacific ocean perch throughout its range in the Gulf, starting in the west around the Shumagin Islands and ending in the eastern area of southeastern Alaska. The Soviet fishery peaked early in the Gulf with total groundfish catches reaching an estimated level of over 200,000 metric tons in 1963 and over 300,000 tons in 1965, then falling to 83,000 tons in 1966 and to an all-time low of 9,000 tons in 1970. There has been some recovery in Soviet catches since 1970 to about 80,000 tons in 1974. This was accomplished, however, only by diverting the fleets from Pacific ocean perch, the target of the earlier fishery, to other less heavily exploited species of groundfish such as pollock, Atka macherel, and flounders.

The relative importance of the Soviet fishery for groundfish in the Gulf of Alaska compared to its fisheries in the Bering Sea and Washington-California area has diminished greatly with time. During the initial fishing period in 1962-65 when Pacific ocean perch were still present in large concentrations, the catch from the Gulf of Alaska comprised 60 percent of the total Soviet harvest of groundfish (excluding herring) from all Pacific waters off the United States and Canada. The comparable figure for the Gulf of Alaska during the period 1970-74 was less than 9 percent of the groundfish total. This great reduction in the relative importance of the Gulf of Alaska to the U.S.S.R. has occurred despite efforts by the Soviets to maintain their catches by diverting to other target species besides Pacific ocean perch.

It is impossible to quantitatively assess the improvement in the efficiency of Soviet fishing effort as a result of increased knowledge of the fish and fishing grounds and improvements in fishing gear, navigation, and fish-finding equipment. However, it is possible to examine changes that have occurred within the fleet regarding the numbers and gross tonnages of the different kinds of catcher vessels employed. This has been done in Table 4 for all waters off Alaska, but it is generally representative of what has occurred in the Gulf of Alaska.

TABLE 4.—*Number and equivalent gross registered tonnage of different Soviet catcher vessels sighted off Alaska, 1963-74. Sightings were by NMFS personnel and do not include repeated sightings of the same vessels. Observations were not extensive enough to provide comparative numbers in 1959-62 and unavailable for 1975.*

Year	Side trawlers					Factory stern trawlers			Equivalent gross tons all classes
	SRT	SRTR	SRTM	SRTK[1]	Total	BMRT	RTM	Total	
1963	155	7	.....	.....	162	10	1	11	79,000
1964	237	9	12	.....	258	28	1	29	167,000
1965	330	11	25	.....	366	36	3	39	233,000
1966	248	9	44	.....	301	42	4	46	245,000
1967	191	7	66	.....	264	53	4	57	279,000
1968	97	5	90	.....	192	71	3	74	324,000
1969	66	9	127	.....	202	79	6	85	377,000
1970	65	11	144	.....	220	97	6	103	447,000
1971	92	7	102	2	203	102	5	107	438,000
1972	111	6	161	7	285	100	11	111	497,000
1973	25	7	155	9	196	105	15	120	498,000
1974	25	7	174	8	214	117	14	131	546,000

[1]Medium stern trawler, approximately 750 gross tons.

A great increase in Soviet fishing power off Alaska is shown by the shift within the side trawler class from the use of small SRT's to large SRTM's and the increasing deployment of large factory stern trawlers. Factory stern trawlers now comprise over one-third of the Soviet catcher fleet off Alaska compared to only about 9 percent of the fleet in 1963-65. The gross tonnages for the combined classes of vessels are better measures of the fishing power than just the number of vessels. As can be seen from Table 4, the gross tonnage, and hence, relative fishing power of the Soviet fleet increased from an average level of 160,000 gross tons in 1963-65 to an average level of 514,000 gross tons in 1972-74.

3.2.2.3 Japan.

The earliest reported fishing by Japanese vessels off Alaska resulted from an order issued by the Secretary of Commerce in April 1918 which suspended the law forbidding the landing of catches by foreign vessels in U.S. ports. The suspension was to encourage the importation of fish in order to compensate for reduced food supplies caused by World War I and was terminated in July 1921. During the time the suspension was in effect, Japanese vessels landed 4.5 million dry-salted cod and 80 mt of stockfish (dried, unsalted cod) at San Francisco and Puget Sound ports (Cobb, 1927). Although most of this cod was from around the Kurile Islands and Ohkotsk Sea, in a few instances the Japanese vessels caught their fish off Alaska. Neither the amount nor the area of origin (Bering Sea or Gulf of Alaska) of catches off Alaska can be determined now.

The first significant effort by Japan in the Gulf of Alaska began in 1960 when several small trawlers were diverted there from the Bering Sea to carry out exploratory operations. Exploratory probes continued in the Gulf through 1962, and commercial operations by Japan commenced with the assignment of several large independent trawlers there in 1963 (Chitwood, 1969). To some degree the initiation by Japan of a full-scale fishery for groundfish in the Gulf of Alaska in 1963 was precipitated by the start of a fishery there by the U.S.S.R. in 1962. Japan had shown prior constraint in pursuing a fishery in the Gulf of Alaska, at least partly in consideration for the potential impact on halibut—a subject of discussions between the Governments of Japan, Canada and the United States. The fleet of Japanese trawlers and area of operations in the gulf were expanded rapidly after 1963.

Since its inception, the Japanese Gulf of Alaska trawl fishery (licensed by Japan as the North Pacific trawl fisheries) has targeted principally on Pacific ocean perch, although substantial amounts of other groundfish are taken. In some years and areas there are major directed fisheries on pollock.

In addition to their trawl fisheries, Japan has had a fishery for sablefish in the Gulf

since 1963. Although the sablefish fishery is licensed by Japan under the North Pacific Longline-Gillnet Fishery, gill nets (sunken types) were only used during 1963. Since then the Japanese have used longline and occasionally pot gear.

From the standpoint of size of catch as well as kind of fishing operations, Japan's fishery for groundfish is much less extensive in the Gulf of Alaska than in the Bering Sea. During the period 1970–74, Japan's harvest of groundfish from the Gulf of Alaska averaged only 99,000 mt compared to 1,706,000 mt from the Bering Sea. The Bering Sea harvest is taken by four kinds of fishing operations: a mothership fishery, North Pacific trawl fishery, landbased dragnet fishery, and North Pacific longline-gillnet fishery (See Preliminary Fishery Management Plan for Bering Sea Trawl Fisheries). In the Gulf of Alaska, Japan has only two kinds of fishing operations, a North Pacific trawl fishery and a sablefish setline fishery.

3.2.2.3.1 North Pacific trawl fishery.

3.2.2.3.1 Vessels and gear.

The North Pacific trawl fishery is now entirely carried out by factory stern trawlers operating independently of motherships and either offloading their processed catches to refrigerator transports or delivering the catches to Japan themselves. This is in contrast to the earliest period of the fishery when some side trawlers were employed as well as vessels which served as motherships to receive and process the catches. Since 1967 Japan has limited by license to 42 the number of vessels that can participate at any one time in the North Pacific trawl fishery; they may fish in waters north of 10°N latitude and east of 170°E longitude. This fishing area includes the Bering Sea, Aleutian Islands, Gulf of Alaska, and waters to the south off Canada and the remainder of the United States. However, most of the catch by the North Pacific trawl fishery is from the Bering Sea. For example, in 1970–74, the average annual catch by this fishery was 484,000 mt from the Bering Sea and Aleutian Island region compared to 77,000 mt from the Gulf of Alaska.

3.2.2.3.1.2 Catch and effort trends.

The annual groundfish catch in Japan's Gulf of Alaska trawl fishery rose rapidly and by 1966 was approximately 85,000 mt. Between 1966 and 1974 the catch has averaged some 79,000 mt. Peak catches of 91,000 and 92,000 mt were made in 1973 and 1974. Preliminary statistics for 1975 indicate that the total catch will be less than 65,000 metric tons.

Pacific ocean perch has been the principal component of the annual groundfish catches. The maximum catch of this species (65,200 mt) occurred in 1966, but since then the annual catch has gradually declined, reaching a figure of 36,900 mt in 1974 and less than this in 1975. Since 1968 most of the Japanese ocean perch catch has been obtained from the INPFC areas of Kodiak, Yakutat, and Southeastern.

A significant feature of Japan's operations in the Gulf of Alaska has been the increase in fishing efficiency over the years. Some of the increase is a natural consequence of the fishermen learning more about the distribution and abundance of the fish and thereby being better able to anticipate where and when to find them in fishable concentrations. There also has been a major upgrading in efficiency of the fishing fleet, in terms of vessel size, horsepower, efficiency of fishing gear, navigation equipment, and fish-finding devices. Between 1967 and 1975 the average size of factory trawlers employed in the North Pacific trawl fishery increased from about 1,500 gross tons to over 2,500 tons. The result of this upgrading has been a marked increase in the fishing power of the fleet which is not apparent when one considers just the number of vessels employed.

3.2.2.3.2 Sablefish setline fishery.

3.2.2.3.2.1 Vessels and gear.

Vessels employed in Japan's sablefish fishery in the Gulf of Alaska now use longlines, and sometimes traps. In 1963, bottom gillnets were used, but this method of fishing was soon discontinued. The average size of vessels in the sablefish fishery has increased from about 350 to almost 500 gross tons.

3.2.2.3.2.2 Catch and effort tends.

According to estimates by NMFS law enforcement personnel, the annual average catch of sablefish by Japanese longline vessels in the Gulf during the years 1964–67 was about 2,700 mt.[1] During the subsequent period, 1968–74, the annual average catch of sablefish by this fleet was 18,788 mt. The annual average longline catch of sablefish by Japan in INPFC Area Southeastern during 1968–74 was 6,843 mt, or a little more than one-third of Japan's total longline catch from the Gulf. The relatively large catches taken off southeastern Alaska are particularly significant since that is the primary site for the U.S. sablefish fishery.

3.2.2.4 Republic of Korea (ROK).

ROK vessels first began fishing for groundfish in the Gulf of Alaska in 1972, some five years after their Bering Sea operations had begun. They target on sablefish using setline gear, although a small amount of trawling for the species took place in 1976.

3.2.2.4.1 Vessels and gear.

ROK vessels use longline gear similar to that of Japanese longliners for capturing sablefish.

3.2.2.4.2 Catch and effort trends.

The year 1975 was the first for which ROK provided fishery statistics on their Gulf of Alaska operations. From surveillance of their fisheries, NMFS law enforcement personnel have estimated their catches of sablefish as 1,300 mt in 1972, 1,700 mt in 1973, and 2,800 mt in 1974. For 1975, ROK reports a sablefish catch of almost 2,200 mt of which 50 percent were obtained from the Southeastern Area. ROK has announced a catch target of 18,000 mt of sablefish in 1976, of which perhaps one-half is planned to be taken from the Gulf of Alaska and the other half from the Washington-California area.

3.2.2.5 Poland.

Polish vessels carried out exploratory fishing probes into the Gulf of Alaska in 1973 and conducted small fisheries on groundfish in 1974 and 1975. The reported catches were less than 100 mt in 1974 and about 2,000 mt in 1975; the catches were mostly pollock, Atka mackerel, and rockfish.

3.2.2.5.1 Vessels and gear.

Poland uses only factory stern trawlers for catcher vessels and its fishing operation is closely patterned after that of the U.S.S.R. Polish shipyards are among the major suppliers of vessels for the worldwide Soviet fishing fleet; the technology so gained has been put to good use by Poland in developing its own distant-water fisheries off the United States and in other parts of the world.

3.2.2.5.2 Catch and effort trends. (See Section 3.2.5.)

3.2.2.6 Other nations.

A Taiwanese longliner began fishing in the Gulf in 1975 and was soon apprehended for violating the U.S. contiguous fishing zone. As of July 1976, three Taiwanese longliners and one factory stern trawler had been observed fishing in the Gulf.

3.3 History of management.

The earliest restrictions on the taking of groundfish from the Gulf of Alaska were those arising from the Halibut Conservation Treaty ratified by the U.S. and Canada in 1923. The Treaty set up the International Fisheries Commission (renamed the International Pacific Halibut Commission in 1953) to recommend measures to regulate the halibut fishery and to conduct research.

The U.S. Bureau of Commercial Fisheries, the predecessor of the current U.S. National Marine Fisheries Service, was responsible for both research and management of domestic fisheries in Alaska before statehood in 1958. The BCF imposed restrictions on the size, character, and operation of trawls used to capture groundfish and established a seasonal closure on sablefish in southeastern Alaskan waters. In 1959 the State of Alaska assumed responsibility for regulating the groundfish fisheries of Alaska. A history of the State's groundfish regulations is given in Table 5.

Until 1966, restrictions on foreign fishing pertained to U.S. territorial waters which extended three miles from shore. In 1966 a 12-mile contiguous fishing zone (CFZ) was established which prohibited foreign fishing and support thereof in this zone. Later, other restrictions (quotas, prohibition on fishing for certain species, and time and area closures) were imposed through bilateral agreements between the U.S. and foreign countries.

[1] Since Japan did not require licenses for the Gulf of Alaska sablefish fishery until 1968, no official record of catch for the period 1964–67 is available.

TABLE 5.—*Historical summary of Alaska groundfish regulations*

Year[1]	Seasons and quotas	Legal gear, definitions, and other regulations
1940	No closed season	Use of trawls prohibited except for shrimp, flounders when not capturing, injuring, or destroying other food fish, and spider and King crab west of 150° W. longitued exclusive of Cook Inlet.
1942		Trawls prohibited in fishing for salmon, herring, and Dungeness crab.
1945	Sablefish season within southeast Alaska closed Dec. 1 to Mar. 15, both dates inclusive.	
1948		Gear restrictions: Trawls. The size, character, and opeartion of otter trawls in Alaskan waters are limited as follows:

TABLE 5.—*Historical summary of Alaska groundfish regulations*—Continued

Year [1]	Seasons and quotas	Legal gear, definitions, and other regulations
1948		(a) Otter trawls having mesh smaller than 5 in stretched measure between knots in the bag and 6 in stretched measured between knots in the wings are prohibited: Provided, that otter trawls now in use having mesh smaller than that specified may be used through the calendar year 1949 if registered with the regional director, Fish and Wildlife Service, Juneau, Alaska. (b) The use of any devices attached to the footrope or elsewhere, such as chain ticklers, which may cause undue disturbance or destruction of the bottom, is prohibited. (c) The use of otter trawls in any area which the International Fisheries Commission has found to be populated by small immature halibut and accordingly has closed to all halibut fishing, is prohibited. (d) All operators of otter trawls shall maintain a running log on forms furnished showing date, type, and size of mesh of trawl used, each locality fished, the time and duration of each 2, and the estimated poundage and number or average weight of each species caught. Such logs shall be available for inspection by representatives of the Fish and Wildlife Service at any reasonable time, and the duplicate sheets shall be transmitted to the Fish and Wildlife Service at periodic intervals. On or before Dec. 15 of each year complete statistics of operation shall be submitted to the Fish and Wildlife Service on forms provided for the purpose. (e) The use of any trawl in commercial fishing for salmon, herring, and Dungeness crabs is prohibited.
1949		The following species besides salmon were defined as commercial fish: Albacore (*Germo alalunga*) tuna. Cod (*Gadus macrocephalus*) codfish, true cod, and grey cod. Eulachon (*Thaleichthys pacificus*) smolt and hooligan. Halibut (*Hippoglossus stenolepis*). Herring (*Clupea pallasii*).
	Lingcod (*Ophiodon elongatus*).	
		Rockfish (all species of genus *Sebastodes* also known as rockcod and sea bass). Sablefish (*Anoplopoma fimbria*) black cod. Sheefish (*Stenodus mackenzii*) inconnu. Sole and flounder (all species of family *Pleuronectidae*).
1958		Trawl fishermen no longer required to fill out logbooks.
1959 and 1960		Alaska statehood. Trawls illegal for taking crab. Longlines and trawls may be used to take groundfish. Longlines are the only legal gear with which to take sablefish within southeast Alaska. Halibut are to be regulated according to IPHC regulations 5AAC 39.390.
1961		All defined legal gear became legal for the taking of groundfish excepting southeast sablefish.
1962	Southeast sablefish changed: Icy Street, eastern and western districts, Aug. 15 to Oct. 15; all other districts May 1 to Nov. 30.	
1963	Southeast sablefish districts 9 to 15, Aug. 15 to Oct. 15; all others May 1 to Nov. 30.	
1967		Southeast sablefish: A 2½ in, No. 20 thread or less gillnet may be aboard vessel for taking bait.
1968		Southeast: sablefish taken incidentially by longline or otter trawl may be retained in an amount not to exceed 10 pct, by weight, of each landing.
1970	Southeast sablefish changed: Districts 9 to 15, Sept. 15 to Nov. 15 (1 mo. later).	Pots became legal sablefish gear within southeast.
1972	Southeast sablefish changed: Districts 9 to 15, Sept. 1 to Nov. 15; all other districts (1 to 8), Apr. 1 to Dec. 30 (more liberal).	Incidental allowable catch of sablefish increased to 20 pct. 1962 regulation (5 AAC 39.390) referring to IPHC management of halibut repealed.
1973	For southeast districts 9-15 a 1,000,000 lb. sablefish quota was enacted, with the season to close when quota is attained or by season ending date, whichever is earlier..	
1976	Southeast sablefish restricted in southern districts (1 to 8) June 15 to Nov. 15.	An untreated cotton escape for sablefish pots required within southeast. Also under general provisions, groundfish fishery, gear for groundfish.—(a) Groundfish may be taken by trawls, hand troll gear, seines, longlines, and pots except as legal gear may be further restricted by groundfish gear regulations of chs. 3 to 39 of this title and except as follows: (1) King and tanner crab pots as defined in chs. 34 and 35 of this title may not be used to take groundfish in the areas where the regulations define those pots; (2) Groundfish taken by power gurdy troll gear being fished for salmon consistent with applicable State laws and regulations are legally taken and possessed; and (3) All commercial longlines or skate gear buoys or kegs shall be marked with the permanent department registration number of the vessel fishing the gear.

TABLE 5.—*Historical summary of Alaska groundfish regulations*—Continued

Year[1]	Seasons and quotas	Legal gear, definitions, and other regulations
1976	Crab pots are not defined for all areas.	The most restrictive definitions are as follows: A king crab pot is a pot with rigid tunnel eye openings and which individually are a minimum of 5 in in 1 dimension, and tunnel eye opening perimeters which individually are larger than 30 in. A tanner crab pot is a pot with rigid tunnel eye openings which individually are a maximum of 5 in in 1 dimension, and tunnel eye opening perimeters which individually are larger than 30 in; or a pot which tapers from its base to a top consisting of 1 horizontal opening of undescribed size.
1977	Same as 1976 except season in all outside districts were open year around..	Same as 1976 except that sunken or diving gillnets may be used for groundfish upon issuance of a permit by the Commissioner (A.D.F. & G.).

[1]Earlier records not available.

3.3.1. Domestic fisheries.

3.3.1.1 Regulatory measures.

Fishery restrictions on U.S. nationals are those established by the State of Alaska and those promulgated by the International Pacific Halibut Commission (IPHC) for the taking of Pacific halibut. The State of Alaska requires all commercial fishermen landing any species of fish or shellfish in Alaska to possess a commercial fishing license, and the captain or owner of all fishing vessels are required to license their vessels and the fishing gear employed. Buyers are required to keep records of each purchase and show the number and name of the vessel, the State license number of the vessel, date of landing, pounds purchased of each species, statistical area in which the fish were caught, and the kind of gear used in taking the fish. Regulations pertaining specifically to groundfish include some exclusions of the use of purse seines and traps in some districts of certain areas within the Gulf of Alaska at certain times of the year. The most substantive regulations on groundfish fishing in the Gulf of Alaska are for sablefish in the Southeastern Area, where: (1) A catch quota of 1,000,000 pounds (454 mt) is permitted between September 1 and November 15 in districts 9 through 15, and (2) fishing is permitted with no quota on catch between June 15 and November 15 in districts 1 through 8.

Restrictions by the IPHC on the taking of Pacific halibut pertain to licenses, gear, size limits, seasons, and catch quotas. Licenses issued by the IPHC are required for all vessels fishing for halibut, except those less than 5 net tons, or vessels which use hook and line gear other than setlines. As regards both commercial and port gear, only hook and line gear is authorized by the IPHC for the taking of halibut.

3.3.1.2 Purpose of regulatory measures.

The limited number of groundfish regulations (Table 5) currently in effect by the State of Alaska, excepting the southeast Alaska sablefish regulations, were primarily designed for the protection of other fish (salmon, herring, juvenile halibut) and shellfish species, e.g., the pot gear definitions and gill netting, otter trawling, and seining restrictions.

The present 1,000,000 pound (454 mt) sablefish quota which applies to the northern, inside districts of Southeastern was established upon request of the fishermen in an attempt to reduce the decline of the inshore sablefish stocks. Since abundance and fishing mortality data were not available for inside waters, historical catch data were examined; and the quot was set as a temporary conservation measure. For the most part, gear and season restrictions for the sablefish fishery are based on economic and social considerations. Most sablefish fishermen are engaged in other fisheries during the summer. Therefore, the season in the traditional, northern grounds is delayed until September. Furthermore, the flesh quality is superior in the fall after the fish have recovered from spawning during the spring. For the closing date it was the concensus of opinion that if the sablefish quota could not be taken by November 1 the season should close. The deteriorating weather conditions during the fall also had influence on this decision.

Regulations by IPHC are designed to rebuild the halibut stocks to levels which will produce the maximum sustained yield.

3.3.2 Foreign fisheries.

3.3.2.1 Regulatory measures.

The two kinds of restrictions placed on foreign nations have been:

1. U.S. law establishing a 12-mile contiguous fishing zone (CFZ) within which all

foreign fishing and activities in support of fishing are prohibited. This law was approved on October 14, 1966. Enforcement of the CFZ and territorial waters is accepted by other fishing nations as a U.S. right and responsibility.

2. Provisions contained in bilateral and other agreements signed by foreign nations with the United States. These provisions usually have been agreed upon through a negotiating process in which concessions have been made by foreign governments to U.S. fishery interests in exchange for concessions granted by the United States to the fishery interests of the other nations. Concessions granted by the United States have been in the nature of permission to fish or carry out activities in support of fishing at certain times and places within the CFZ. Concessions granted by foreign nations have been in the form of agreement not to fish at certain times and places on the high seas outside the CFZ, not to target on certain species, and not to exceed certain levels of catch (catch quotas).

Enforcement of the provisions of bilateral and other agreements has been the responsibility of the individual nations. For example, the U.S.S.R. has been responsible for enforcing and imposing penalties on its own nationals for violations relating to fishing activities on the high seas, outside the U.S. CFZ.

Several restrictions on foreign nations in the form of catch quotas and area-time closures have been in effect in the Gulf of Alaska in recent years. Annual catch quotas for 1973-76 are shown for Japan in Table 6 and for the U.S.S.R. in Table 7, according to INPFC area or, when applicable, to the Northeast Pacific Region which includes from the Gulf of Alaska south to California.

In 1976 Poland was limited to no more than four fishing vessels in the Gulf of Alaska. In addition, Poland agreed not to conduct specialized fisheries in 1976 for rockfish, sablefish, flatfish, anchovies, Pacific mackerel, herring, or shrimp.

Since 1972 ROK has agreed not to fish for halibut in the Northeast Pacific Region. There are no restrictions on the groundfish fisheries of ROK.

TABLE 6.—*Limitation on catches (metric tons) of groundfish by Japan*

Area	Species	1973-74	1975-76
Northeast Pacific region	Groundfish other than rockfishes and sablefish.	[1]N.A.	30,000
Do	Rockfishes (including Pacific ocean perch).	N.A.	60,000
Do	Pacific ocean perch	60,000	N.A.
Northeast Pacific region:			
Trawl	Sablefish	N.A.	5,000
Longline	do	*25,000	25,000
Northeast Pacific region	Halibut	0	0

[1]Not applicable.
*1971 level.

TABLE 7.—*Limitations on catches (metric tons) of groundfish by the U.S.S.R.*

Area	Species	1973-74	1975-76
Northeast Pacific region	Pacific hake	150,000	150,000
Shumagin southeastern region	Rockfishes (including Pacific ocean perch.	[1]N.A.	10,000
Do	Pollock	N.A.	40,000
Do	Groundfish other than rockfishes and pollock.	N.A.	30,000

[1]Not applicable.

No official fisheries agreements have been signed with Taiwan.

Area-time closures and other restrictions pertaining to the fisheries of Japan, U.S.S.R., Poland, and ROK are shown in figures 2 through 6.

Current regulations pertaining to the foreign fisheries are found in section 2.4 of the Preliminary Fishery Management Plan for the Groundfish Fisheries of the Gulf of Alaska and include catch limitations, prohibition on the retention of certain species of importance to the U.S., and time-area closures to prevent gear conflicts and provide protection to halibut.

Species	Japan	U.S.S.R.	ROK	ROC	Poland	Total
Pollock	44.1	63.1	35.8		6.0	149.0
Pacific ocean perch	19.8	8.7	.5			29.0
Other rockfish	2.7	1.2	.1			4.0
Flounders	18.7	1.8				20.5
Sablefish	13.9		1.6			15.5
Atka mackerel		21.0			1.0	22.0
Other species	5.8	12.4	.0		.2	18.5
Total	105.0	108.2	38.1	.0	7.2	258.5

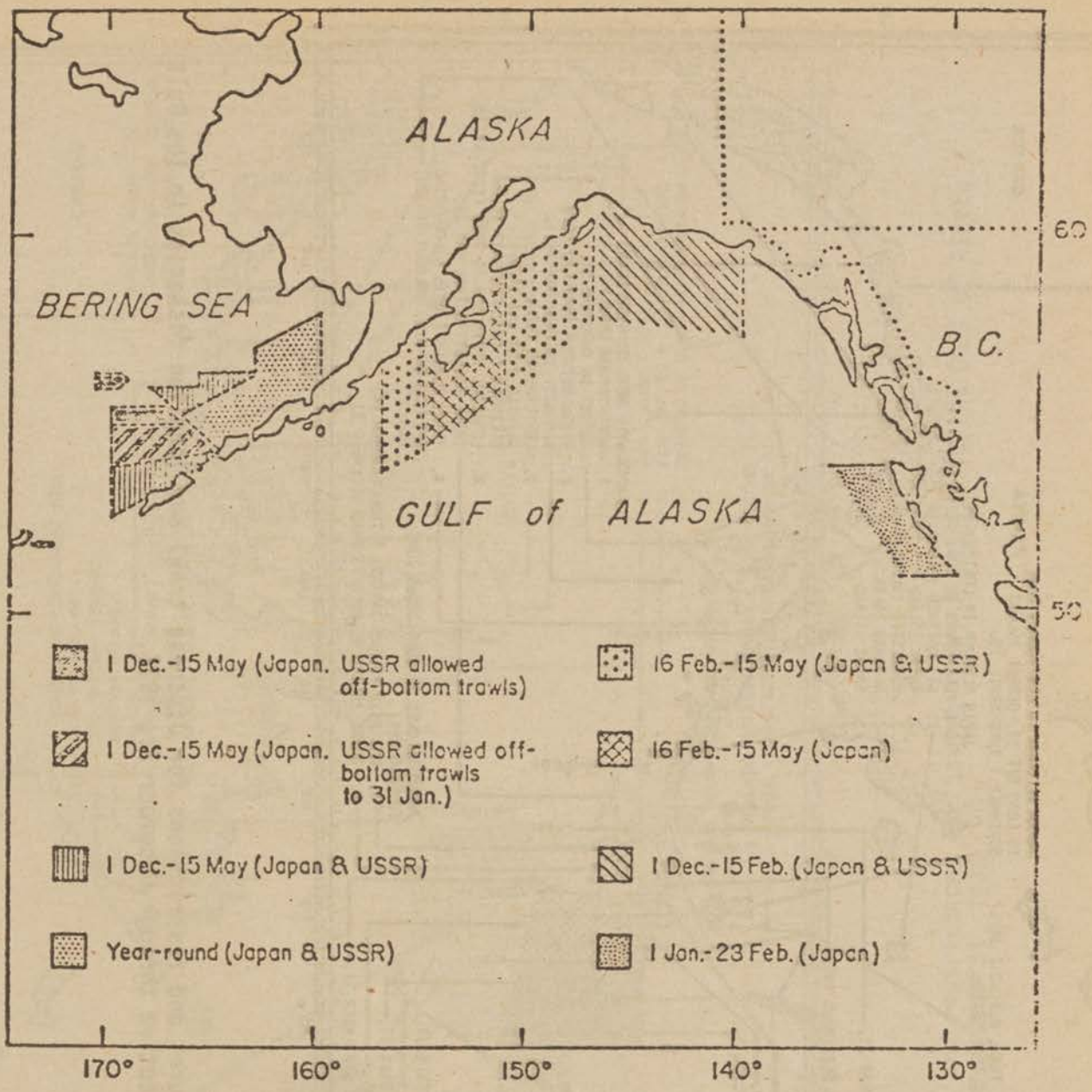


Figure 2.--Trawl closures for Japan and U.S.S.R. pertaining to halibut in the Bering Sea and Gulf of Alaska, 1975-76.

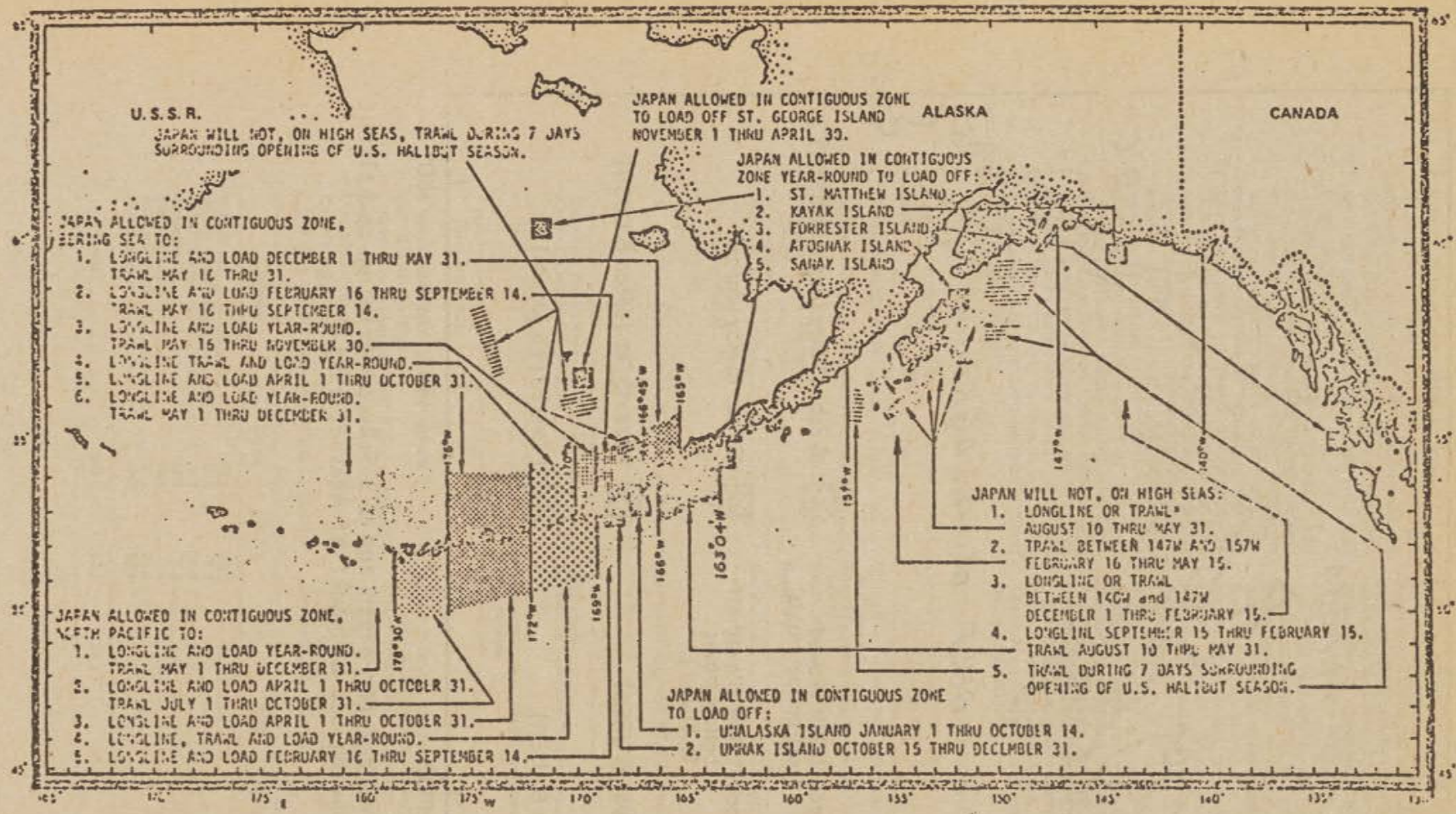


Figure 3.--Area-time closures and restrictions for Japanese trawl and longline fisheries in the Gulf of Alaska, effective through December 31, 1976.

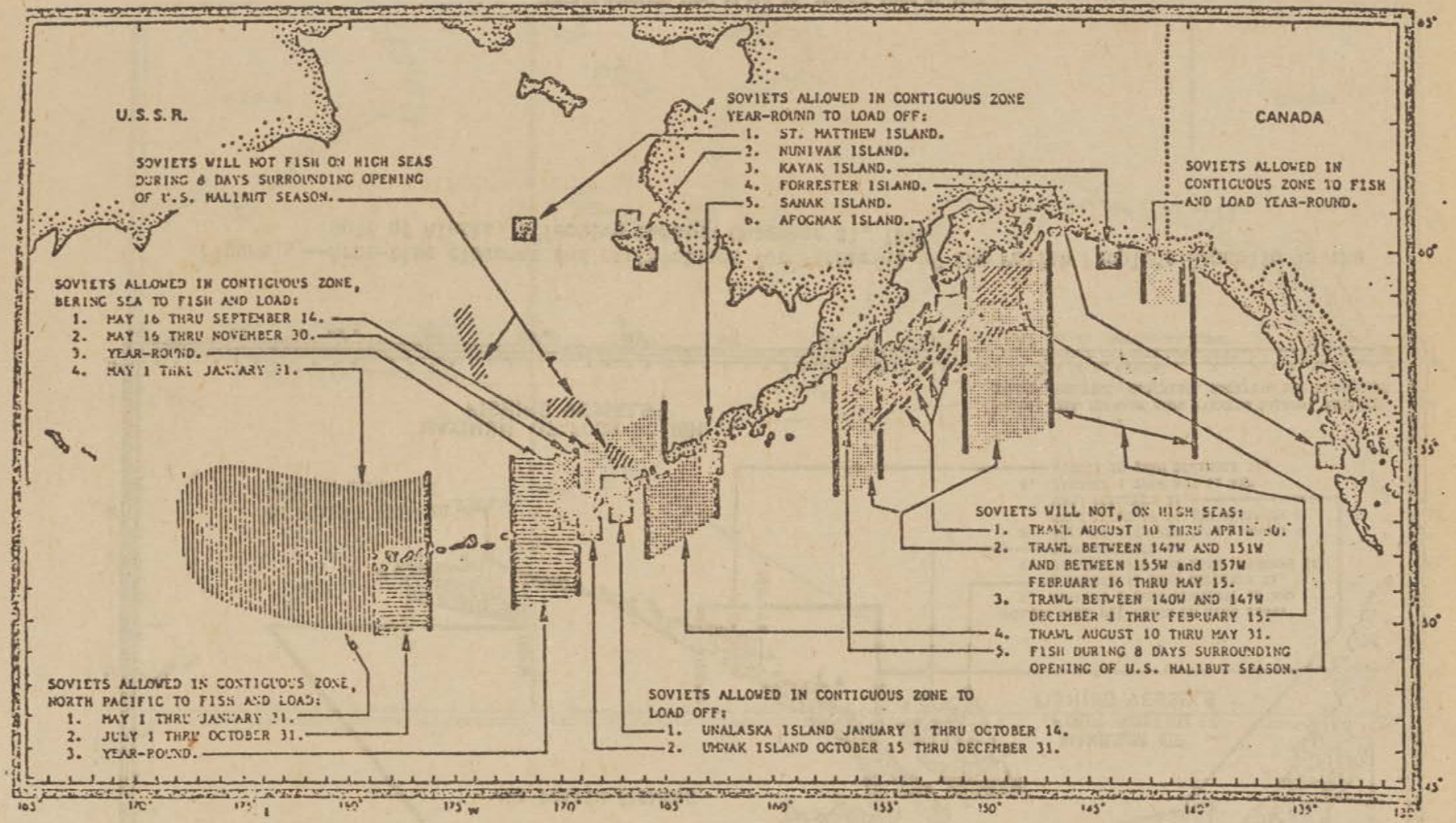


Figure 4.--Area-time closures and restrictions for Soviet trawl fisheries in the Gulf of Alaska, effective through December 31, 1976.

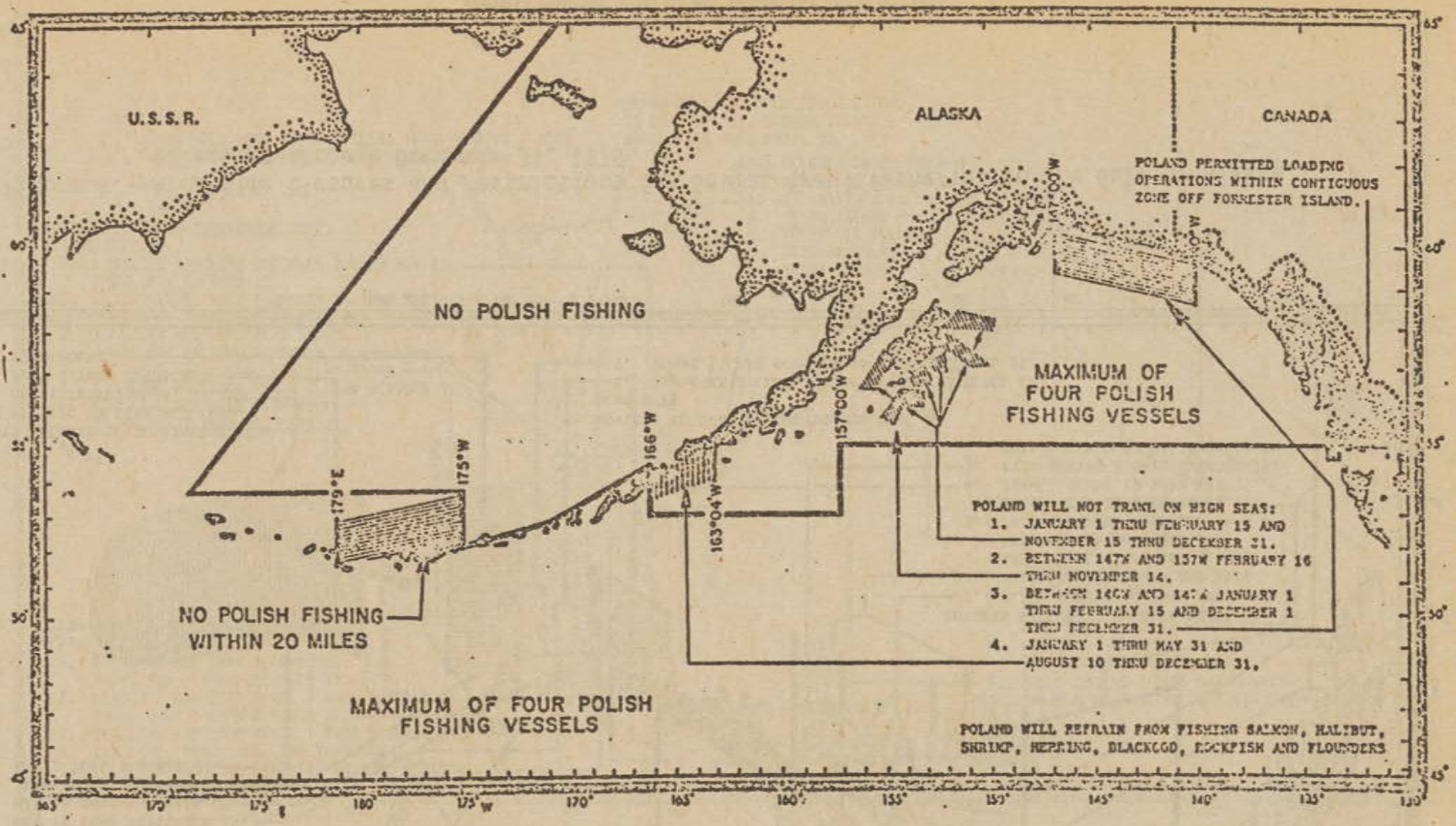


Figure 5.--Area-time closures and restrictions for fisheries of the Polish People's Republic in the Gulf of Alaska, effective through December 31, 1976.

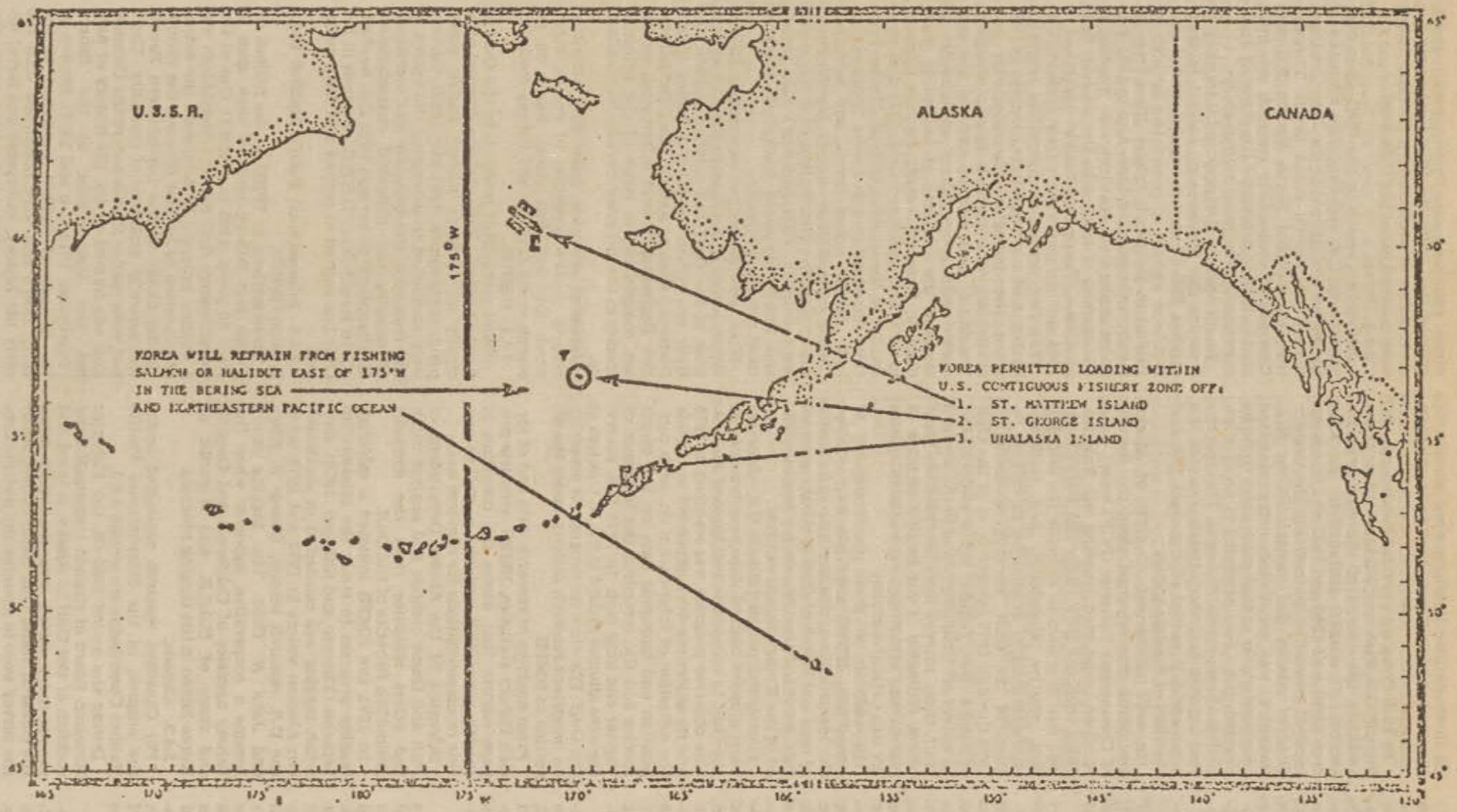


Figure 6.--Provisions of the United States-Republic of Korea Fisheries Agreement effective through December 12, 1977.

3.3.2.2 Purpose of regulatory measures.

The earliest restrictions placed on foreign fishermen were primarily to prevent conflicts between foreign mobile gear (trawls) and domestic fixed gear (crab pots and halibut setlines). In the early 1970's, when halibut production was low, at least partly because of the incidental catch by foreign trawlers, winter trawl closures in the central and western Gulf of Alaska (time and area of known halibut concentrations on the trawl grounds) were negotiated. Finally, beginning in 1973 when certain major groundfish stocks clearly began to deteriorate, national catch quotas were also negotiated.

3.3.3 Effectiveness of management measures (foreign and domestic).

Those regulations aimed at reducing gear conflicts were, without question, successful. Loss of U.S. fixed gear declined to a low level with recent losses occurring only in areas not covered by trawl closures.

Regulations designed to mitigate conservation problems, however, have not been effective, as witnessed by the fact that halibut, Pacific ocean perch, and sablefish stocks (which the majority of the measures were designed to protect) have continued to decline or remain at low levels of abundance. This occurred, at least partially, for three reasons: (1) Current year quotas (except for halibut) were determined from fishery data that were 1-2 years old, so by the time they were applied, stocks had deteriorated to the point where the quotas were obsolete; (2) quotas and other conservation measures were negotiated separately with each country in a political-diplomatic forum, where the sum of the individual national quotas ofter exceeded the total allowable catch, where different countries would only agree to different parts of an overall conservation program, and where scientific considerations were ofter compromised because of demands for unreasonable precision in estimates of stock condition; and (3) with respect to halibut, continuing incidental catches (and associated mortality) offset other conservation measures.

In the case of the halibut fishery, continual and substantial restrictions imposed on North American setline fishermen by IPHC, coupled with the negotiated winter trawl closures, have not, to date, arrested the decline in halibut abundance. The 1977 quota for the North American halibut setline fishery is less than half of that of 1971.

3.4 History of research.

Investigations of the groundfish resources of the Gulf of Alaska have been conducted by the United States, Canada, Japan, and U.S.S.R. Research efforts by the United States have been of the longest duration (1880 to present) and were initiated to assist the development of U.S. cod and halibut fisheries in the latter part of the 19th century. Canada began cooperative research with the United States on the halibut stocks of the Gulf of Alaska in the 1920's under the authority of the Halibut Conservation Treaty. This cooperative research continues to the present day under the direction of the International Pacific Halibut Commission. Research by Japan and the U.S.S.R. in the Gulf coincided with the development of their trawl fisheries in one Gulf of Alaska in the early 1960's.

3.4.1 United States. (See also 3.4.5.)

The earliest investigations of the bottomfish and shellfish of the northeastern Pacific and Bering Sea were those of the U.S. Fish Commission's steamer, *Albatross*, during the years 1889 through 1921. Included in these investigations were surveys of the cod and halibut banks of Alaskan waters.

In 1940 Congress provided funds authorizing the U.S. Fish and Wildlife Service to investigate the extent of the king crab resources off Alaska. Included in the king crab surveys of 1940 and 1941 was an assessment of groundfish potential in the western Gulf of Alaska and eastern Bering Sea. Sampling was conducted using standard commercial gear so that catch rates could be equated with those occurring in areas of established commercial fisheries. This was the first attempt to systematically examine the commercial potential of demersal fish and shellfish of Alaskan waters.

In 1953 assessment of Gulf of Alaska groundfish was resumed when the Bureau of Commercial Fisheries (BCF) vessel, *John N. Cobb*, conducted trawling off Yakutat. Since then the BCF (later the NMFS) carried out 19 cruises to examine the distribution, relative abundance, and biological characteristics of groundfish in various regions of the Gulf. Surveys conducted in 1973 through 1975 covered most of the Gulf of Alaska from Yakutat in the eastern Gulf to waters off Unalaska Island in the western Gulf. these surveys have provided the most recent estimates of exploitable biomass of pollock and other major groundfish species for this extensive region.

In addition to these trawl surveys of groundfish, NMFS scientists have studied the identification, distribution, and density of eggs and larvae of Gulf of Alaska groundfish. An icthyoplankton survey was conducted in the Kodiak region in 1972.

During the period 1964-69 U.S. observers were allowed aboard Japanese trawlers in the Gulf to record the incidence of halibut. The observer program was resumed in 1975 and its objectives were expanded to include the collection of information on catch composition and biological data on the target species and the recording the incidence of Tanner and king crab. In 1974 U.S. observers were allowed aboard U.S.S.R. trawlers in the Gulf. The observer program is presently an important research activity under the direction of NMFS.

From analyses of research data and of foreign fishery statistics, NMFS scientists prepare reports that assess the condition of specific groundfish resources as well as provide recommendations for resource use.

Scientists of the Alaska Department of Fish and Game compile and analyze catch and effort statistics from the domestic groundfish fisheries of the Gulf.

In 1971 the NMFS initiated a sablefish tagging program to study the relationship between (Thorsen and Shippen, 1975). Sablefish tagging was conducted in southeastern Alaskan waters in 1972 and 1973 using the U.S. research vessels, *George B. Kiley* and *John N. Cobb*. The tagging study became a cooperative endeavor when the fishery agencies of California and Oregon, and those of U.S.S.R. and Republic of Korea joined in the tagging program.

3.4.2. Canada.

For Canadian research conducted under the auspices of the International Pacific Halibut Commission see section 3.4.5.

During the period 1963-66, the Fisheries Research Board of Canada investigated the rockfish of the Gulf of Alaska. A trawl and echo-sounder survey was conducted using the research vessel *G.B. Reed*. Objectives of the survey were to examine the distribution, abundance, and biology of rockfish with primary emphasis on Pacific ocean perch (Westrheim, 1970). In 1970 further studies on rockfish of southeastern Alaskan waters were pursued using the *G.B. Reed*.

3.4.3 Japan.

Japanese research in the Gulf arose over concern by U.S. and Canadian scientists of the bycatch of halibut in the Japanese trawl fishery for Pacific ocean perch. Through the International North Pacific Fisheries Commission cooperative research was initiated in 1963 to determine the effect of Japanese trawl fisheries on halibut stocks.

Japan conducted experimental trawling to measure the incidence of halibut in trawl catches. U.S. observers were allowed aboard Japanese vessels to record the bycatch of halibut in the perch fishery. This arrangement continued until 1969. Also in 1963 Japanese exploratory trawlers were involved in the tagging of halibut in the western Gulf of Alaska. Tagging of halibut continued in 1964 and in various years from 1965 to 1970.

The first survey of groundfish resources by Japan of any magnitude occurred in 1965 when the biological characteristics and availability of groundfish were investigated. Tagging of both halibut and cod was conducted with some fishery experiments to measure the incidence of halibut in trawl catches. Research vessels surveys resumed in 1970 and continued until 1974 and were limited to the western Gulf of Alaska. Principal resources surveyed were those of pollock, Pacific ocean perch, and sablefish. During some of these surveys, investigations concerning the distribution of ocean perch were pursued. Sablefish were also tagged and the incidence of halibut in research trawl catches recorded.

Since 1963 Japan has reported to INPFC the incidence of haliblut in their trawl fisheries of the Gulf and detailed statistics on their groundfish fisheries including length frequency data on some of the principal species. Beginning in 1970 information on the age composition of some of the principal species in the fisheries has also been collected.

Japanese scientists have also submitted reports on the condition of Pacific ocean perch and sablefish stocks based on research vessel findings and fishery statistics.

3.4.4 U.S.S.R.

Soviet groundfish research in the Gulf of Alaska began in 1960 and was directed principally on rockfish, mainly Pacific ocean perch (Lyubimova, 1961 and 1962). Surveys were conducted to determine the extent of the resources, the behavior and movement of schools, and biological characteristics. Ichthyoplankton surveys were also conducted. In recent years U.S.S.R. research in the Gulf has shifted to pollock and Atka mackerel.

3.4.5 International Pacific Halibut Commission (IPHC).

Investigations by IPHC on the halibut resource and fishery cover a time span of some 50 years (1925 to present). One of the Commission's first major undertakings was a tagging program to determine the extent of migration of halibut between the various fishing banks in the northeastern Pacific and arrive at estimates of mortality. There had been earlier studies before the Commission was formed on the life history of halibut and management of the fishery (Thompson, 1916 a, b and 1917). Studies of the biology of halibut continued in the early 1930's and were concerned with the early life history, embryonic and larval development, location of spawning areas, the

transport of eggs and larvae, and the environment of halibut (Thompson and Van Cleve, 1936).

By the early 1930's the halibut stocks had declined to a low level of abundance, but through careful management by IPHC the stocks increased and began producing high catches in the Gulf of Alaska by the late 1950's.

Anticipating the eventual growth of foreign trawl fisheries in the Gulf of Alaska, IPHC completed a Gulf-wide and season survey of groundfish in 1961–63 to obtain information on the possible effects of such fisheries on the halibut stocks, and in turn, upon the Canadian and U.S. halibut setline fishery of this region (IPHC, 1964).

Later in the mid-1960's, IPHC resumed halibut tagging studies in the Gulf of Alaska and, in 1967, initiated an annual trawl survey of juvenile halibut as a means of measuring both the strength of year classes before their entry into the fishery and the impact of the trawl fisheries on the juvenile halibut population. In 1976 IPHC began an annual survey with setline gear to assess the adult portion of the halibut population in the northern Gulf of Alaska (Portlock and Albatross fishing grounds). The survey provides measures of stock density, recruitment, mortality, and growth, and halibut are tagged and released.

3.5 Socio-economic characteristics.

Historically, the domestic catch of groundfish in the Northeast Pacific has been small compared with the foreign harvest. With the creation of the fishery conservation zone by the Fishery Conservation and Management Act (FCMA) of 1976, and improving foreign and domestic market conditions, this pattern is expected to change dramatically in coming years. Most domestic groundfish landings are either the result of supplemental fishing activities between seasons for more economically attractive species, or are incidental to the harvest of another species. As economic barriers fall, permitting an increase in the domestic groundfish catch, considerable additional harvesting capacity can be expected to develop.

The economic and social data requirements for management will be more extensive than those for regulating an established domestic fishery; regulation of an industry in being requires information on the existing industry, those who consume its products, and those who earn their living from it. Regulation of a growing industry requires this as well as information on the factors which will influence, or be influenced by, growth. Additional information will include:

1. National and international marketing conditions and trends, including price trends.

2. Estimates of deployable harvesting and processing capacity and costs of deployment.

3. Information on where deployment into the fishery can be profitable in light of market and cost conditions.

4. Information on actual plans for entering the fishery at the harvestor or processor level.

5. Information on the economic and social condition of communities which may be involved in fishery expansion as a result of local community growth and change.

The following sections report information available at the time of writing.

As fishery management plans evolve, increasing amounts of this information are expected to become available.

3.5.1 Output of subject domestic commercial fishery.

Tables 8–14 show the domestic groundfish catch by gear type and INPFC statistic reporting area. Table 8 reports the total for all groundfish, and Tables 9–14 by species category.

These catch statistics are taken from Alaska Department of Fish and Game fish tickets. Groundfish are grouped into seven categories as indicated below:

Pacific ocean perch.
Other rockfish.
Sablefish.

Other flounder, including: turbot, Greenland turbot, flathead sole, Dover sole, rock sole, rex sole, butter sole, yellowfin sole, English sole, petrale sole, sand sole, Alaskan plaice.

Cod, including: Pacific cod.
Pollock.
Other, including: ling cod, bullhead, skates, unknown bottomfish.

Domestic groundfish harvests in the Gulf of Alaska during 1976, excluding halibut, was 3.64 million pounds, or 1,652 mt (Table 8). Southeastern dominated the catch with 2.89 million pounds or 79 percent of the total. Within Southeastern the most important domestic groundfish fishery was on sablefish using longline and pot gear—1.75 million pounds of sablefish or 48 percent of the Gulf of Alaska total. The fishery ranking next in importance was the Southeastern otter trawl flounder fishery (285 thousand pounds, 8 percent of the total), followed by the Southeastern pollock purse seine fishery (278 thousand pounds, 7 percent of the total), and the Southeastern setline fishery for rockfish (263 thousand pounds, 7 percent of the total).

TABLE 8

POUNDS OF GROUNDFISH CATCH
1976

All Species, (except halibut)

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine	277,572	546				278,118
Longline	1,845,899	46,984	141,723	12,134		2,046,740
Otter Trawl	431,164		409,557	107,306	29,317	977,344
Beam Trawl	961					961
Pots	310,000					310,000
Troll	22,293	6,164				28,457
Other	229					229
Total	2,888,118	53,694	551,280	119,440	29,317	3,641,849
					GRAND TOTAL	

TABLE 9

POUNDS OF GROUNDFISH CATCH 1/
1976

Sablefish

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine						
Longline	1,441,257	12,234				1,453,491
Otter Trawl						
Beam Trawl						
Pots	304,451					304,451
Troll	986	161				1,147
Other	27					27
Total	1,746,721	12,395				
					GRAND TOTAL	1,759,116

1/ Believed to be dressed weight

TABLE 10

POUNDS OF GROUNDFISH CATCH
1976

Cod

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine						
Longline	85,091	13,863	124,821	12,134		235,909
Otter Trawl	14,439		87,383	103,200	29,317	234,339
Beam Trawl						
Pots	5,549					5,549
Troll	10,055	2,998				13,053
Other	167					167
Total	115,301	16,861	212,204	115,334	29,317	489,017
					GRAND TOTAL	

Gear	Area	
06	B	27,212
07	B	1,100
		28,312

TABLE 11

POUNDS OF GROUNDFISH CATCH
1976

Pollock

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine	277,572					277,572
Longline						
Otter Trawl	132,000					132,000
Beam Trawl						
Pots						
Troll						
Other						
Total	409,572					409,572

GRAND TOTAL

TABLE 12

POUNDS OF GROUNDFISH CATCH
1976

FLOUNDERS OTHER THAN HALIBUT

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine						
Longline						
Otter Trawl	284,725		54,089			338,814
Beam Trawl	961					961
Pots						
Troll						
Other						
Total	285,686		54,089			339,775

GRAND TOTAL

TABLE 13

POUNDS OF GROUNDFISH CATCH
1976

Rockfish

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine		546				546
Longline	263,368	10,424	754			274,546
Otter Trawl				4,066		4,066
Beam Trawl						
Pots						
Troll	3,744	1,002				4,746
Other						
Total	267,112	11,972	754	4,066		283,904

GRAND TOTAL

TABLE 14

POUNDS OF GROUNDFISH CATCH
1976

Other (except halibut)

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine						
Longline	56,183	10,463	16,148			82,794
Otter Trawl			268,085	40		268,125
Beam Trawl						
Pots						
Troll	7,508	2,003				9,511
Other	35					35
Total	63,726	12,466	284,233	40		360,468

GRAND TOTAL

3.5.1.1 Value of catch (ex-vessel).

The value of the 1976 domestic groundfish harvest by gear type and major statistical reporting area is shown in Tables 15–21. Table 15 gives the total for all species and Tables 16–21 by species category.

Prices paid for bottomfish were drawn from Processors' Annual Reports which are received by the Alaska Department of Fish and Game. The 1976 reports called for total pounds bought and total amount paid for each species at each processor location. From this a weighted average price was calculated then checked with knowledgeable sources before being applied against fish ticket data.

The value of the 1976 domestic groundfish harvest in the Gulf of Alaska, excluding halibut, was $956,000. The Southeastern area accounted for $793,000 or 82 percent of the total value. The Southeastern area's longline and pot fisheries for sablefish accounted for $605,000 or 63 percent of the total value. The next three most important fisheries were: (1) The Kodiak area's otter trawl fishery for "other" species, used for crab bait, ($61,000, 6 percent of the total); (2) the Southeastern area's longline fishery for rockfish ($39,000 or 4 percent of the total); and (3) the Southeastern area's longline fishery for cod ($27,000, 3 percent of the total).

TABLE 15

VALUE OF GROUNDFISH CATCH
1976

All Species (except halibut)

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine	2,772	70				2,842
Longline	655,976	11,933	32,000	2,668		707,471 1/
Otter Trawl	25,830		91,615	21,581	5,863	145,087 2/
Beam Trawl	76					76
Pots	104,948					104,948
Troll	3,319	936				4,255
Other	45					45
Total	792,966	12,939	123,615	24,249	5,863	
					GRAND TOTAL	964,724 3/

1/ Includes 4,894 lbs. area unknown
2/ Includes 198 lbs. area unknown
3/ Includes total of 5,092 lbs. area unknown

TABLE 16

VALUE OF GROUNDFISH CATCH
1976

Sablefish

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine						
Longline	595,096	4,991				600,087
Otter Trawl						
Beam Trawl						
Pots	103,950					103,950
Troll	337	58				395
Other	11					11
Total	699,394	5,049				
					GRAND TOTAL	704,443

TABLE 17

VALUE OF GROUNDFISH CATCH
1976

Cod

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine						
Longline	13,519	2,487	27,001	2,668		50,569 1/
Otter Trawl	1,732		19,211	20,679	5,863	47,683 2/
Beam Trawl						
Pots	998					998
Troll	1,418	440				1,858
Other	30					30
Total	17,697	2,927	46,212	23,347	5,863	
					GRAND TOTAL	101,138

1/ Includes 4,894 lbs. area unknown
2/ Includes 198 lbs. area unknown

TABLE 18

VALUE OF GROUNDFISH CATCH
1976

Pollock

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine	2,772					2,772
Longline						
Otter Trawl	1,320					1,320
Beam Trawl						
Pots						
Troll						
Other						
Total	4,092					
					GRAND TOTAL	4,092

TABLE 19

VALUE OF GROUNDFISH CATCH
1976

FLOUNDERS OTHER THAN HALIBUT

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine						
Longline						
Otter Trawl	22,778		11,898			34,676
Beam Trawl	76					76
Pots						
Troll						
Other						
Total	22,854		11,898			
					GRAND TOTAL	34,752

TABLE 20

VALUE OF GROUNDFISH CATCH
1976

Other Rockfish

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine		70				70
Longline	39,004	1,657	172			40,833
Otter Trawl				894		894
Beam Trawl						
Pots						
Troll	514	133				647
Other						
Total	39,518	1,860	172	894		
					GRAND TOTAL	42,444

TABLE 21

VALUE OF GROUNDFISH CATCH
1976

Other (except halibut)

Gear	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Purse Seine						
Longline	8,357	2,798	4,827			15,982
Otter Trawl			60,506	8		60,514
Beam Trawl						
Pots						
Troll	1,050	305				1,355
Other	4					4
Total	9,411	3,103	65,333	8		
					GRAND TOTAL	77,855

3.5.1.2 Description and value of product (wholesale).

Of food products, nearly 99 percent of the domestic groundfish catch from the Gulf of Alaska is processed into the frozen form. The remainder is processed into fresh, cured, and canned forms. Average annual production volume and value most recently (1972–75) were:

Species/group	Food product	Quantity (pounds)	Value
Halibut	Dressed (fresh and frozen)	16,848,600	$15,328,600
	Cheeks and fletches (fresh and frozen)	536,500	845,600
	Cured (smoked), 1972	50	100
	Canned, 1973	10,800	10,900
Sablefish	Dressed (fresh and frozen)	1,779,300	760,700
	Cured (salted and smoked), 1972	1,350	600
Bottomfish [1]	Fresh/frozen	469,600	141,800

[1]Category listed in Alaska Department of Fish and Game Statistical Reports. Assumed to be compromised of cods, flounders, rock fishes, etc.

Source: Alaska Department of Fish and Game (no date).

Frozen, dressed halibut and sablefish are in intermediate product form. They are exported from Alaska to undergo further processing into end-products of primarily fillet and steak for halibut, and smoked fish and fillet for sablefish. Information on product is not available on the rest of the bottomfish other than the indicated fresh/frozen form.

The domestic groundfish catch from the Gulf of Alaska is also used in the industrial products area—specifically the use of groundfish as bait in the various line and pot fisheries. Information on species composition and quantity is unavailable. However, an estimated 5.4 million pounds (2,449 mt) of groundfish are currently used as bait (1.0 million pounds of cod and 2.2 million pounds of other species by the halibut fishery). Based on the approximate price of 20 cents per pound reported for the Kodiak area, the implied value of the 5.4 million pounds of groundfish used for bait annually is $1.1 million. Groundfish are not heavily utilized for other industrial products such as meat and oil.

Table 22 reports annual wholesale value of Gulf of Alaska groundfish harvest from 1970 to 1975.

TABLE 22.—*U.S. Gulf of Alaska bottomfish (excluding halibut), catch and product 1970–75 (southeast and central district)*[1]

Species	Year	Catch	Dressed product*			
			Fresh/frozen		Cured	
			Quantity	Value	Quantity	Value
Sablefish	1970	814.1	834.4	187.8	0.8	0.2
	1971	596.3	611.7	158.5	.7	.2
	1972	3056.7	1646.2	608.8	1.4	.6
	1973	1911.2	1685.0	737.4	0	0
	1974	1718.1	1591.9	595.7	0	0
	1975	(?)	2194.0	1101.0	0	0
Bottomfish	1970	334.8	263.7	46.4	0	0
	1971	278.9	45.3	5.9	0	0
	1972	343.8	267.3	60.5	0	0
	1973	1430.5	749.1	200.2	0	0
	1974	194.8	847.5	302.8	0	0
	1975		14.5	3.9	0	0

[1]Source: Alaska Department of Fish and Game (no date).

*In thousands of pounds.

3.5.1.3 Markets, domestic and imports.

Domestic markets: U.S. markets for Alaska groundfish resources of Alaska pollock, Pacific cod, flounders, Pacific ocean perch and rockfishes will consist predominately of outlets for frozen fillets for consumer (institutions, restaurant and retail) outlets.

Consumption of frozen fish block and fillets by U.S. consumers in 1976 totalled 791 million pounds. The growth of 14 percent from 1975 consumption was primarily due to an increased use of blocks which rose to 401 million pounds—a 28 percent increase over 1975. Fillet consumption increased by 3 percent to 390 million pounds. Approximately three-fourths of the fish blocks and fillets are utilized in the restaurant and institutional trade.

The increase in U.S. consumption of frozen fish blocks and fillets in 1976 reflects the continuing upward trend of those products in U.S. markets. Since 1960, fish sticks and portions use has risen almost 400 percent while fillets utilization rose by 150 percent (Figures 7 and 8). Imports of blocks and fillets totalled 711 million pounds in 1976. Blocks accounted for 378 million pounds—an increase of 21 percent over 1975. Imports of fillets increased by 9 percent to 332 million pounds.

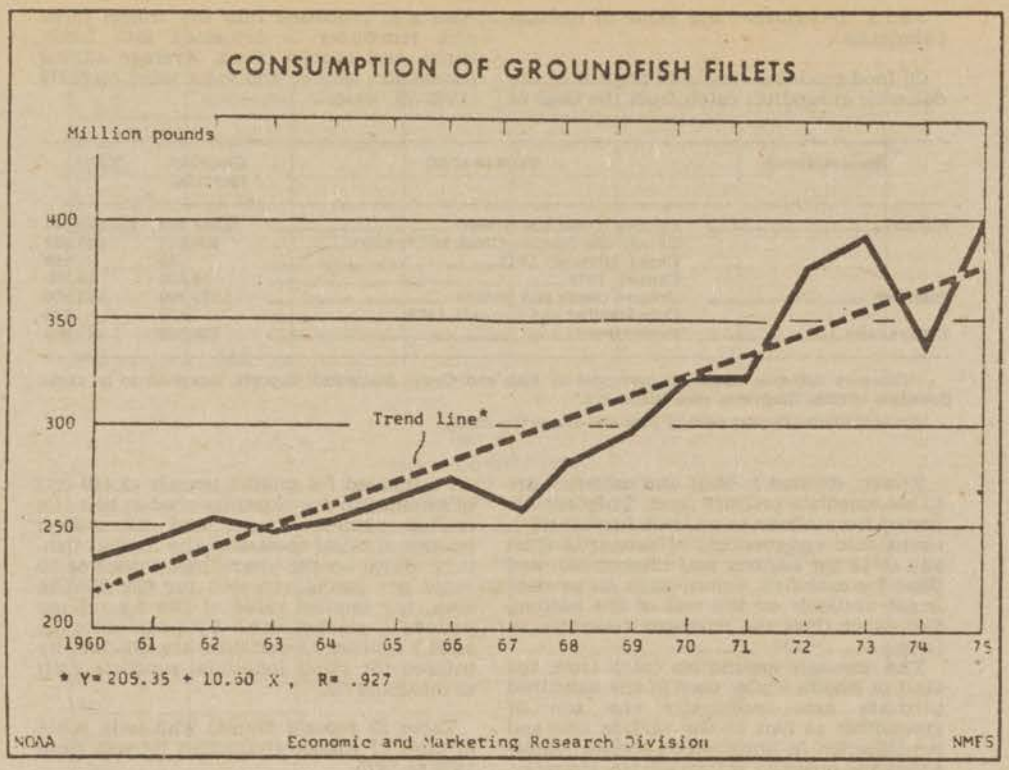


Figure 7

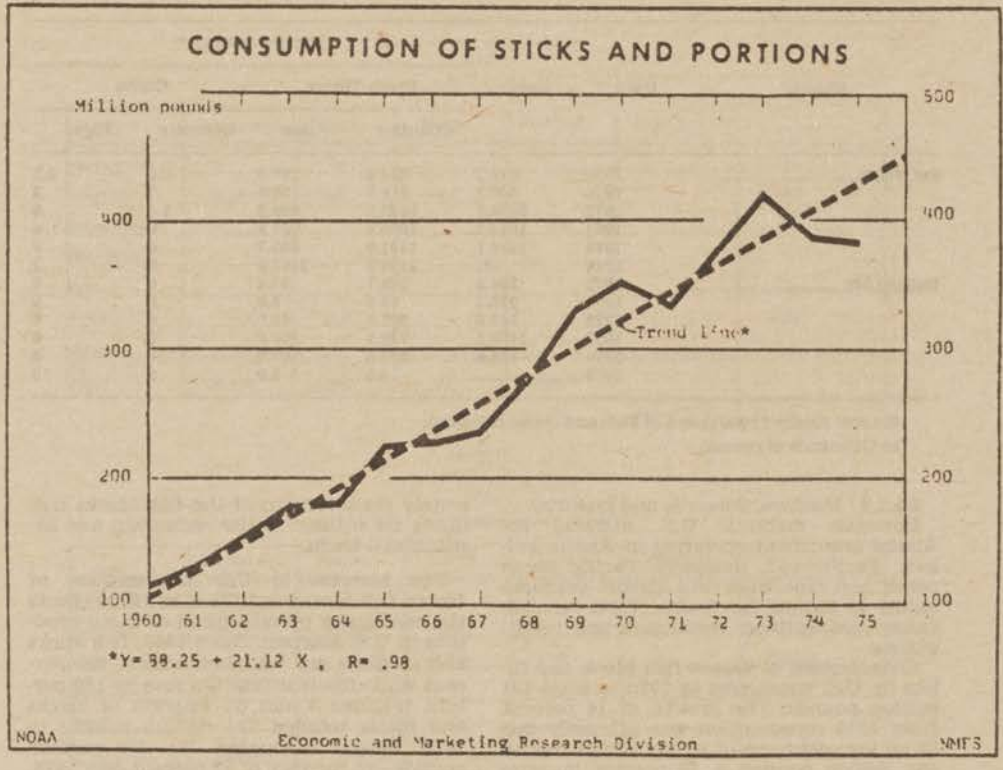


Figure 8

Factors affecting utilization: The statistics noted above indicate the general trend of the major markets Alaska groundfish will be entering. There is every reason to believe this upward trend will continue its pattern of the past 14 years. It can be affected, however, by (1) decrease of import supplies available to U.S. markets, (2) increase of blocks and fillets from U.S. fisheries or from imports, (3) price spread between fillets, sticks and portions and competing protein products such as meat and poultry, and (4) increase in per capita consumption of fillets, sticks and portions.

Import supplies: It is speculated that imports of fish blocks and fillets will not be sufficient to meet U.S. consumption needs in future years. Fishing restrictions and catch quotas imposed on some of the major importers have reduced inventories available for export. Demand for groundfish products has also increased in Northern European countries, thus reducing supplies that might be offered to U.S. buyers. For example, in September, 1976, Denmark decreased her exports of cod blocks to the U.S. to 41 percent of her inventory as compared to 73 percent of a year earlier. Low inventories of cod blocks in Canada and Greenland, and fishery products in the United Kingdom in 1976 also restricted exports.

Alaska pollock blocks imported from Japan and South Korea (ROK) were:

Total Atlantic and Alaska pollock blocks	Alaska pollock blocks[1]		
	Japan	ROK	Total
1973 ..... 66.4	60.7	1.4	62.1
1974 ..... 80.1	47.0	14.8	61.8
1975 ..... 74.8	15.5	36.7	52.2
1976 ..... 95.7	10.5	58.7	69.2

[1]In millions of pounds.

During the last 4 years, exports of pollock blocks from Japan have decreased while those from ROK have increased. It is very probable that exports of Alaska pollock blocks from both countries will decrease in 1977 and future years.

ROK fishing vessels have been expelled from the 200 mile zone off the eastern U.S.S.R. where they harvested some 347,000-600,000 mt annually. Japanese fishermen may suffer the same fate or, at most, be permitted only a fraction of their former catches of around one million metric tons annually. Pollock resources available to both countries have been further restricted through reduced quota allocations in the U.S. 200 mile extended jurisdiction zone.

Japan and ROK have thus become potential export markets for Alaska pollock products of frozen fish in the round, surimi (minced fish flesh), and roe when economic and political factors become suitable. ROK fisheries firms are negotiating for delivery of pollock and other groundfish from U.S. fishermen to ROK processing ships and purchase of round frozen pollock from U.S. processors. Japan will probably be a market for surimi and pollock roe when U.S. processors produce these products. Japan currently has an import quota on round pollock of 65,000 mt, but this will likely be increased or removed as her own fiseries off Alaska are further restricted.

Japan formerly caught around one million metric tons of pollock in waters off the U.S.S.R. and a similar amount off the U.S. and thus became a potential market for the amount of reduced catch imposed by both nations.

ROK is reported to need 350,000 mt of pollock over the 75,800 mt allocated to her fisheries in U.S. waters. If this catch is realized from ROK fisheries or by purchase from U.S. fishermen or processors, 50 percent of it will reportedly be processed into blocks and fillets for export to the U.S. This would amount to aroung 51,000 mt of finished product imported into the U.S., about double the ROK import in 1976.

Block and fillet prices: First wholesale prices on the Boston market of fish block and fillet products from cod, ocean perch, haddock and pollock rose sharply in 1976 as noted in figures 9 and 10 (from a report by the Market Research and Outlook Division of the Canadian Department of Fisheries and the Environment). Some leveling off occurred in most species of fillets in early 1977, but less so for block products, indicating some stabilization of the market. This has been brought about by the increasing price spread between seafood products and red meats and poultry. Fish prices have increased 30 percent in a relatively steady trend from January 1974 to October 1976 at the consumer price level. Meat and poultry prices have fluctuated somewhat but were at about the same level in October 1976 as in January 1974. Figure 11 indicates this price spread. The American Meat Institute estimates that domestic production of red meats will remain about the same in 1977 as in 1976.

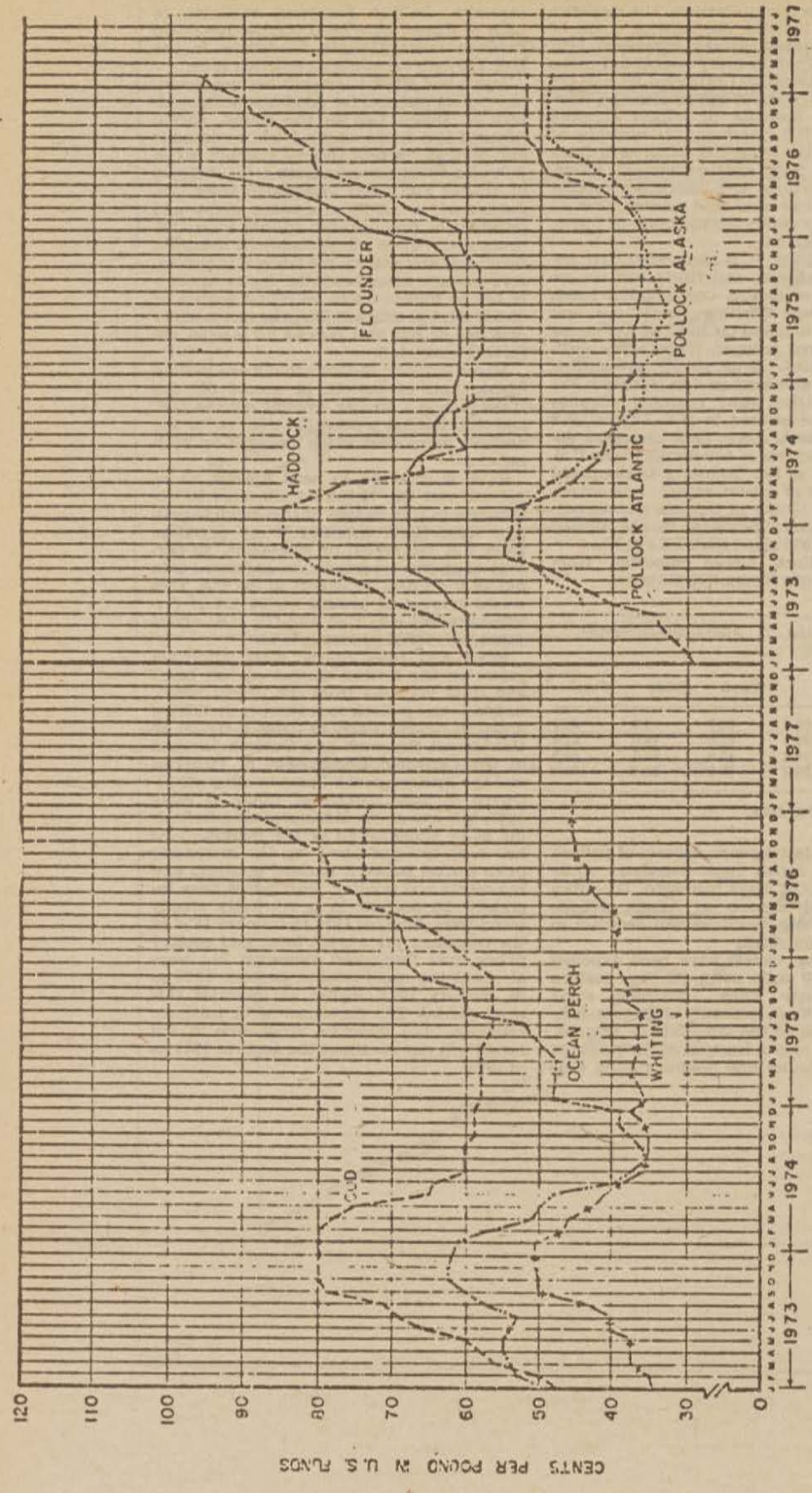
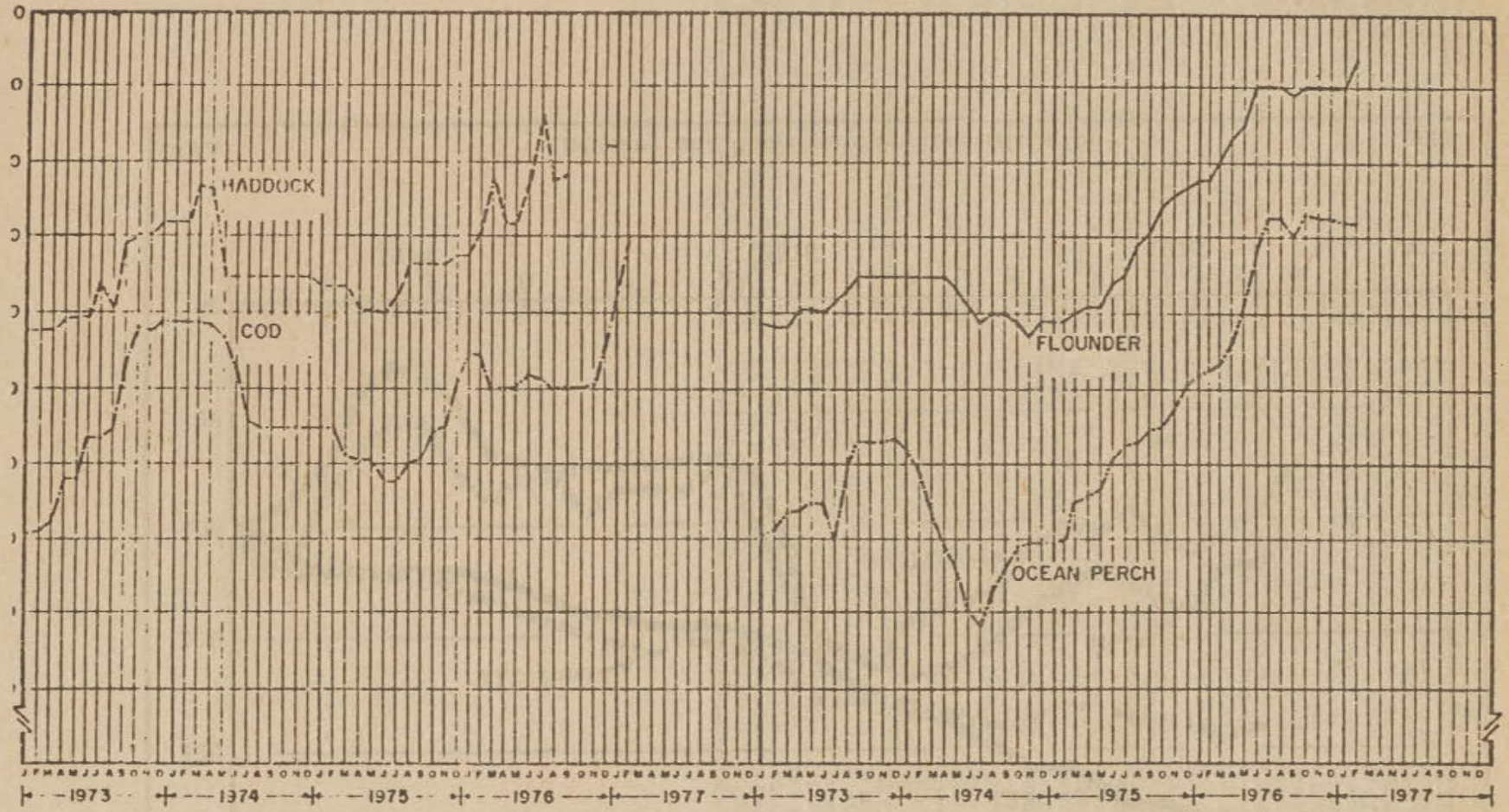


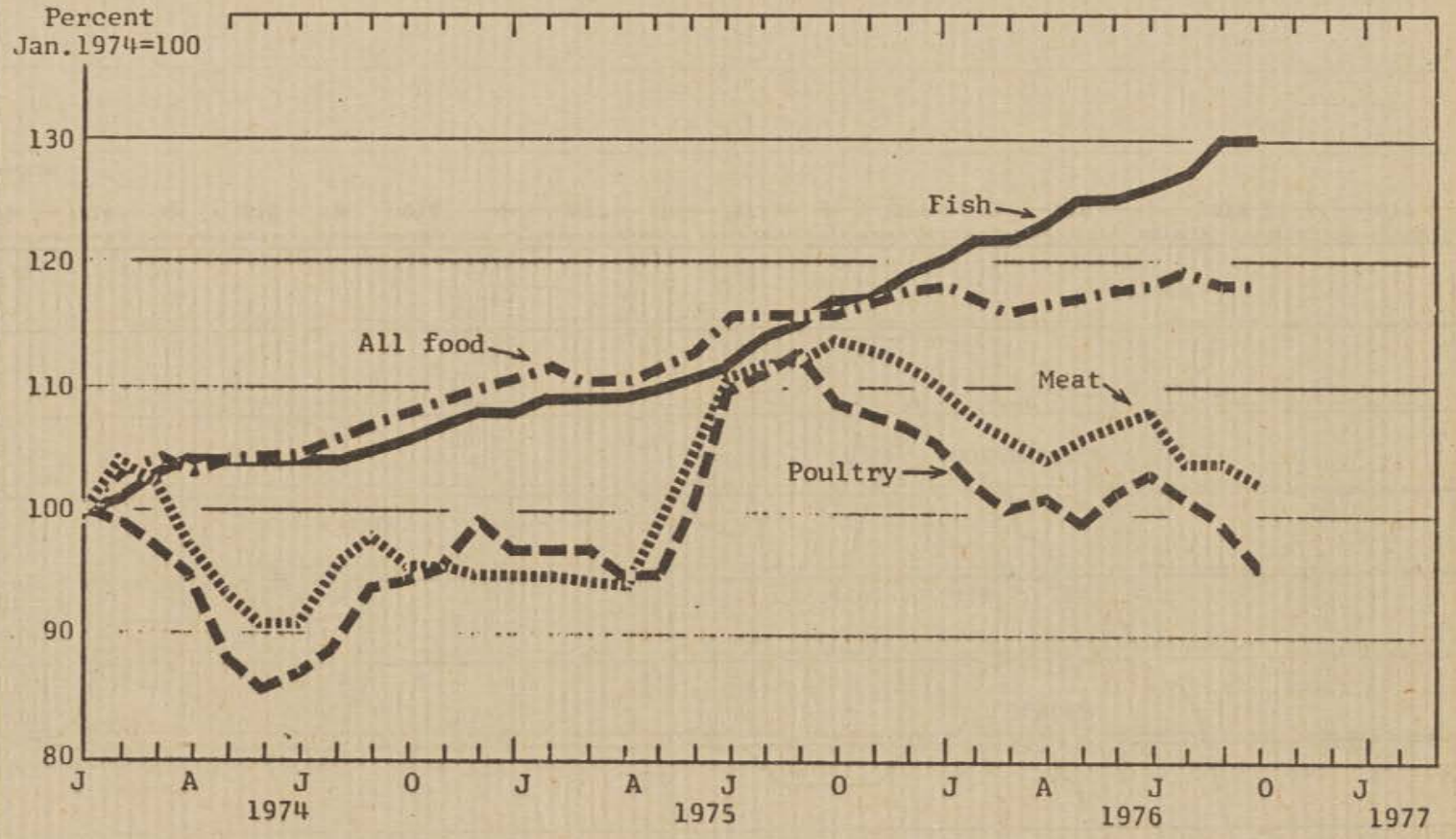
Figure 9-- MID-MONTH WHOLESALE PRICES OF GROUNDFISH BLOCKS AT BOSTON, MASS.

Figure 10--MID-MONTH WHOLESALE PRICES OF GROUNDFISH FILLETS (5 lb.)* AT BOSTON, MASS.



* Canadian/*canadien*

Figure11--**CONSUMER PRICE INDEX FOR FISH, MEAT, POULTRY AND ALL FOOD**



Although fish prices in general may stabilize, substitution of pollock blocks and fillets for similar cod products, which are in short supply, will likely cause good quality pollock products prices to increase—possibly as much as 10 cents per pound by the end of 1978. Good quality boneless and skinned Pacific cod fillets should also find a ready market at an attractive price to processors, as well as flounder species from Alaska waters which are known in the market places.

In order to fully utilize the harvest of trawl catches and to increase the yield of edible flesh from processed fish, it will be necessary for processors to produce minced fish blocks or other product forms from shredded fish flesh. Minced cod blocks have found limited market acceptance in the U.S. The quality of minced Alaska pollock blocks imported in 1973-74 from Japan was poor and generally rejected by U.S. fish stick and portion processors. Minced fish flesh, however, offers several avenues for product development, but all will require more extensive research and development and market promotion.

Sablefish markets: Sablefish has been primarily used for production of smoked products—2.9 million pounds in 1975—for U.S. markets; however, consumption of fresh and frozen fillets and steaks has been increasing—about 1.5 million pounds were processed in 1975, 0.9 million pounds in 1974, about 0.2 million pounds in 1973, 0.2 million pounds in 1970.

Japan had previously been a major exporter of sablefish into the U.S., where it was further processed into consumer products. Competition from Japanese and Canadian imports, coupled with a limited demand, has caused U.S. sablefish ex-vessel for new product forms from currently prices to fluctuate widely, and Japan is now seeking imports of sablefish from U.S. fisheries. The need to fill the vacuum in the market created by a cut-off of the Japanese supply, exports to Japan and possibly ROK, and increased U.S. consumption of fillets and steaks, has created a strong market for U.S. sablefish fisheries in 1977. Ex-vessel prices of 70¢/lb. for headed and gutted sablefish are being offered and may go even higher in 1977 unless U.S. buyers feel the price is more than U.S. consumers are willing to pay. It should be noted that the price quoted is for top quality products and will be scaled down for fish of inferior quality or size.

There is an excellent opportunity for development of the Alaska sablefish fishery to replace foreign fisheries in 1978 and future years.

U.S. landing of sablefish in 1976 were reported to have been 17.4 million pounds of which Alaska fisheries produced 2.6 million pounds. The export potential for Japanese markets in 1977 is not known at this time nor is the total marked demand in the U.S. These estimates will be obtained as information becomes available.

3.5.1.4 Impact of imports on domestic groundfish fishery development.

It is has been previously noted imports of fish block and fillet products from Northern European countries will likely decrease in future years. Since U.S. markets depend on imports for around 90 percent of their supplies, it is likely that a vacuum will develop in the market. This will result in increases in price levels and eventual loss of some markets. On the other hand, it provides marketing opportunity for U.S. processors of convention block and fillet products and unused groundfish species. It also will provide a more attractive import market for whiting and other species from southern hemisphere countries which will complete with Alaskan pollock markets.

Alaska pollock block products and to a lesser extent fillet products are finding increasing acceptance in U.S. markets. It is essential to maintain a supply source which will fill current demand and assure merchandisers adequate supplies for market expansion. Until U.S. processors are capable of filling the demand, it may be necessary to encourage import of Alaska pollock products from ROK fisheries in order to maintain markets. Because of the relatively strong demand, higher ex-vessel prices to fishermen and costs of freezing and selling by U.S. processors, wholesale prices of Alaska pollock prices will increase in 1977.

3.5.2 Domestic commercial fleet (vessels and/or gear) characteristics.

Table 23 describes the number of boats in each fishery.

Most informed observers of the domestic fishing sector anticipate that the majority of additional groundfish capacity will come from the existing domestic crab and shrimp fleets. On the basis of this information, the analysis of the U.S. groundfish harvest sector presented in these tables includes a capacity assessment of the existing shellfish fleet. Table 24 lists the number of bottomfish fishing permits sold in 1976. Tables 25-29 report vessels with bottomfish landings in each Alaska Department of Fish and Game adminstrative area.

The biggest catches of bottomfish occur with longline gear in Southeast. This gear is primarily used for halibut fishing. Declining quotas in the halibut fishery could prompt interest in longlining for bottomfish if market conditions are favorable.

Table 23. Total number, average net tons and keel lengths in 3-foot increments for boats in the crab, shrimp and bottomfish fisheries in Alaska in 1975. Actual total is the number of boats in each fishery minus duplicates participating in more than one fishery.

Keel Length	Net Tons Range	Net Tons Average	Actual No. of Boats	Number of Boats by Fishery* Crab	Shrimp	Bottomfish	Salmon**
1-24	1-5	3.0	46	7		39	26
25-27	1-12	6.0	38	6	2	32	23
28-30	1-13	6.4	75	16	5	56	54
31-33	4-14	7.9	109	27	11	82	81
34-36	2-23	9.5	124	29	14	83	100
37-39	3-22	13.7	101	30	6	67	82
40-42	6-26	16.5	62	16	5	39	37
43-45	6-35	17.6	48	17	6	27	31
46-48	9-50	27.2	41	17	2	24	27
49-51	5-58	34.0	70	44	9	29	38
52-54	15-39	27.8	11	6	2	4	1
55-57	21-31	25.2	7	3	1	3	
58-60	30-66	44.9	16	16		3	5
61-63	35-65	44.1	9	6	1	1	
64-66	35-94	52.8	18	12	7	3	
67-69	33-97	70.6	21	9	14	6	
70-72	49-134	77.2	25	19	6	2	
73-75	55-135	96.0	18	11	8	1	
76-78	55-120	92.2	19	14	9		
79-81	13-148	94.0	33	26	11	3	
82.84	79-179	135.6	27	24	7	1	
85-87	64-188	118.6	18	18	1		
88-90	81-198	136.8	8	3	1		
91-93	82-147	133.9	15	15	1	2	
94-96	83-143	114.5	4	3	1		
97-99	98-200	136.5	6	6	1		
100-102	130-199	151.0	4	4			
103-105	159-171	165.0	2	2			
106-108		139	1	1			
109-111	131-220	141.1	10	10	2		
112-114		134	1	1			
115-117		281	1	1			
118-120	129-201	165.0	2	2			
120+	106-338	234.6	9	9			
TOTAL			999	433	135	518	505

*Boats may make landings in more than one fishery.

**Salmon was added to show correlation with bottomfish and crab fisheries.

TABLE 24.-- 1976 Bottomfish Permits Sold

Number	Type	
4	C05B	sablefish : hand troll
8	C06B	" longline to 26' keel length
93	C61B	" longline over 26' keel length
19	C09B	" pots to 50' keel length
6	C91B	" pots over 50' keel length
130	- Subtotal, sablefish	
5	M01A	Bottomfish purse seine
10	M05B	" hand troll
66	M06B	" longline to 26' keel length
59	M61B	" longline over 26' keel length
7	M09B	" pots to 50' keel length
41	M07B	" otter trawl
6	M17B	" beam trawl
2	M99B	" other gear
194	- Subtotal, bottomfish, excluding blackcod and halibut	
324	- Total, all bottomfish, excluding halibut	

Note: Some fishermen held more than one permit, not all permit holders actually fished.

SOUTHEAST

Table 25. Average net tons and keel lengths (in 3-foot increments) of boats with bottomfish landings in Southeast Alaska in 1975. An asterick indicates that no reliable information was available (see Table23 for statewide fleet averages of net tons.)

Keel Length	Troll Gear No. of Vessels	Troll Gear Average Net Tons	Longline Gear No. of Vessels	Longline Gear Average Net Tons	Pot Gear No. of Vessels	Pot Gear Average Net Tons	Trawl Gear No. of Vessels	Trawl Gear Average Net Tons
ALL SPECIES OF BOTTOMFISH EXCEPT SABLEFISH								
1-24	40	*	65	*				
25-27	16	*	24	*				
28-30	37	*	33	*	1	*	3	*
31-33	46	*	52	*				
34-36	51	9.1	62	*	3	*		
40-42	73	*	70	15.4				
43-45	11	18.8	33	16.4				
46-48	11	25.1	23	24.7				
49-51	7	25.0	23	27.9	3	38.3		
52-54			2	26.5				
55-57			2	25.5				
58-60	1	31.0	2	36.5				
64-66			2	35.0				
67-69			1	93.0				
70-72			2	*				
79-81			4	120.0				
88-90	1	152.0						
120+	1	*						
TOTAL	295		400		7		3	
SABLEFISH								
1-24	1	*	13	2.6				
25-27	1	*	5	4.4				
28-30	1	*	7	5.1	1	4.0	1	*
31-33			20	5.4				
34-36	1	10.0	27	25.4	3	*		
40-42	2	17.0	34	14.9	1	25.0		
43-45			17	16.3	1	29.0		
46-48			15	25.6				
49-51			14	31.5	3	42.6		
52-54			3	26.6	1	27.0		
55-57			1	22.0				
58-60			2	36.5				
64-66			1	35.0	1	35.0		
67-69			2	125.5				
70-72			1	69.0	1	51.0		
79-81			1	107.0				
TOTAL	6		163		12		1	

PRINCE WILLIAM SOUND

Table 26. Average net tons and keel lengths (in 3-foot increments) of boats with bottomfish landings in Prince William Sound, Alaska in 1975. An asterick indicates that no reliable information was available (see Table23 for statewide fleet averages of net tons.)

Keel Length	Troll Gear No. of Vessels	Troll Gear Average Net Tons	Longline Gear No. of Vessels	Longline Gear Average Net Tons	Pot Gear No. of Vessels	Pot Gear Average Net Tons	Trawl Gear No. of Vessels	Trawl Gear Average Net Tons
ALL SPECIES OF BOTTOMFISH EXCEPT SABLEFISH								
25-27			5	*				
28-30			6	*				
31-33			1	*				
34-36			3	*			3	41.0
40-42			1	20.0				
46-48			1	26.0				
TOTAL			17				3	

COOK INLET

Table 27. Average net tons and keel lengths (in 3-foot increments) of boats with bottomfish landings in Cook Inlet, Alaska in 1975. An asterick indicates that no reliable information was available (see Table23 for statewide fleet averages of net tons.)

Keel Length	Troll Gear No. of Vessels	Troll Gear Average Net Tons	Longline Gear No. of Vessels	Longline Gear Average Net Tons	Pot Gear No. of Vessels	Pot Gear Average Net Tons	Trawl Gear No. of Vessels	Trawl Gear Average Net Tons
ALL SPECIES OF BOTTOMFISH EXCEPT SABLEFISH								
28-30			3	*				
31-33			2	*				
52-54			1	29.0				
61-63			1	35.0				
120+			3	*				
TOTAL			10					
SABLEFISH								
64-66			1	77.0				
TOTAL			1					

KODIAK

Table 28. Average net tons and keel lengths (in 3-foot increments) of boats with bottomfish landings in Kodiak, Alaska in 1975. An asterick indicates that no reliable information was available (see Table23 for statewide fleet averages of net tons.)

Keel Length	Troll Gear No. of Vessels	Troll Gear Average Net Tons	Longline Gear No. of Vessels	Longline Gear Average Net Tons	Pot Gear No. of Vessels	Pot Gear Average Net Tons	Trawl Gear No. of Vessels	Trawl Gear Average Net Tons
ALL SPECIES OF BOTTOMFISH EXCEPT SABLEFISH								
25-27			1	5.0				
28-30			2	4.5				
31-33			1	7.0				
34-36			2	*				
40-42			2	17.0			3	25.0
49-51			3	36.6			3	35.3
55-57			1	30.0				
64-66							3	44.0
70-72							1	94.0
73-37							2	135.0
79-81							3	15.0
TOTAL			12				15	

UNIMAK

Table 29. Average net tons and keel lengths (in 3-foot increments) of boats with bottomfish landings in Kodiak, Alaska in 1975. An asterick indicates that no reliable information was available (see Table 23 for statewide fleet averages of net tons.)

Keel Length	Troll Gear No. of Vessels	Troll Gear Average Net Tons	Longline Gear No. of Vessels	Longline Gear Average Net Tons	Pot Gear No. of Vessels	Pot Gear Average Net Tons	Trawl Gear No. of Vessels	Trawl Gear Average Net Tons
ALL SPECIES OF BOTTOMFISH EXCEPT SABLEFISH								
67-69							5	71.6
70-72							4	83.0
73-75							1	135.0
79-81							1	105.0
82-94							1	105.0
TOTAL							12	

The existing halibut fleet consists mostly of smaller vessels (mostly 50-foot seiners) which fish for halibut off-shore in the Gulf of Alaska.

Most of the state's larger boats are crabbers found in the westward region (Kodiak, Unimak, Bering Sea, Adak, and the Western Aleutians). This crab fleet contains some boats under 50 feet which by Alaskan regulations are eligible to fish salmon, but the majority of king crab boats are in excess of 50 feet, and are not allowed to fish salmon. These larger vessels fish off-shore and most fish in more than one area.

Most of the boats which fish in the westward region and record bottomfish landings, are Kodiak area shrimp trawlers. These trawlers use single and double otter trawls and beam trawls. Many of the larger boats (80 feet and over) also spend part of the year as packers and tenders. Data on the halibut fleet are unavailable, but it is anticipated that halibut longline fishermen would have been credited with a considerable portion of the groundfish catch.

Some groundfish are taken incidentally for use as crab bait. Our figures do not completely reflect this situation. Conversations with crabbers from Cook Inlet indicate that significant amounts of groundfish are taken incidental to Tanner crab and shrimp fishing. Some fishermen actively target on groundfish for bait.

Tables 30–45 give the 1975 shellfish catch by species, gear type and administrative area. Included in the tables is information on keel length and tonnage of vessels in each fishery.

The fleet capacity descriptions, i.e., keel length and net tons, were taken from 1975 vessel registry files. The same data for 1976 is unavailable at this time. The catch information accompanying the fleet characteristics information is also 1975 data and is intended to demonstrate the distribution of the catch among the vessel length categories in each area. The total catch information used in sections 3.5.1.1 and 3.5.2.1 and 3.5.2.3 are 1976 figures and therefore will not coincide with catch figures accompanying section 3.5.2 and 5.1.1. (Tables 30–45.)

1975 OTTER TRAWL HARVEST OF SHRIMP IN CHIGNIK[1/]

Table 30. Average net tons and keel lengths (in 3-foot increments) of boats with shrimp landings. Bottomfish and crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of Shrimp	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Crab
49-51	3	34-54	42.6	213,428				
64-65	3	47-74	60.0	1,085,827	1	*		
67-69	11	33-89	69.6	6,563,805	3	54,409		
70-72	7	64-105	82.4	2,758,449				
73-75	3	93-135	117.3	892,826	1	*		
76-78	4	80-115	102.2	1,298,138				
79-81	10	74-117	104.5	7,501,582	1	*		
82-84	5	79-151	111.6	4,201,936	1	*		
85-87	1		91	*				
88-90	3	124-152	136.6	858,305				
91-93	1		138	*				
97-99	1		138	*				
TOTAL	52			25,640,816	7	85,732		

[1/] The computer printout used for these figures placed shrimp landings in ADF&G salmon areas. Because Chignik is not a shellfish area, no crab landings show up for boats in this table.

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 OTTER TRAWL HARVEST OF SHRIMP IN SOUTH PENINSULA

Table 31. Average net tons and keel lengths (in 3-foot increments) of boats with shrimp landings. Bottomfish and crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of Shrimp	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Crab
49-51	2	40-58	49				2	*
64-65	1		54					
67-69	7	52-89	73.8	4,703,128			1	*
70-72	2	66-105	85.5	1,091,873				
73-75	2	93-122	107.5	1,485,934			1	*
76-78	4	93-110	100.5	6,346,509				
79-81	4	105-117	109.0	2,538,561				
82-84	2	108-151	129.5	*			1	*
97-99	1		138	*				
TOTAL	25			20,424,450			5	702,177

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 OTTER AND BEAM TRAWL AND POT GEAR HARVEST OF SHRIMP IN KODIAK

Table 32. Average net tons and keel lengths (in 3-foot increments) of boats with shrimp landings. Bottomfish and crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of Shrimp	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Crab
				OTTER TRAWL				
37-39	1		14	*			1	*
40-42	1		25	*	1	*	1	*
49-51	6	28-54	40.0	2,421,010	2	*	4	1,646,903
52-54	1		31	*				
55-57	1		17	*				
61-63	1		41	*				
64-66	5	27-74	50.2	3,532,225	1	*	1	*
67-69	10	33-80	61.8	9,267,812			2	*
70-72	7	49-105	80.0	6,174,173	1	*	2	*
73-75	4	76-135	107.0	5,224,518	1	*		
76-78	5	80-120	106.0	3,318,696	1	*	1	*
79-81	7	74-115	102.7	5,231,708			3	872,903
82-84	5	79-132	110.4	2,547,305	1	*	2	*
85-87	1		91	*			1	*
88-90	3	124-152	136.6	1,955,391			2	*
94-96	1		135	*				
109-111	2		135	*			2	*
TOTAL	61			42,976,865	8	49,919	22	7,858,491
				BEAM TRAWL				
31-33	1		8	*				
34-36	5	10-23	14.6	998,631			1	*
37-39	5	14-22	19.4	910,289			1	*
43-45	2	13-21	17.0	94,174			1	*
49-51	1		38	*				
TOTAL	14			2,022,114			3	90,946
				POT GEAR				
1-24	2			*				
31-33	2	10-13	11.5	*			1	*
34-36	1		10	*				
TOTAL	5			4,576				

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 OTTER TRAWL AND POT GEAR HARVEST OF SHRIMP IN PRINCE WILLIAM SOUND

Table 33. Average net tons and keel lengths (in 3-foot increments) of boats with shrimp landings. Bottomfish and crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of Shrimp	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Crab
				OTTER TRAWL				
34-36	1		12	*	1	*	1	*
67-69	1		80	*				
					1		1	
TOTAL	2							
				POT GEAR				
31-33	1		7	*				
40-42	1		10	*				
TOTAL	2							

*The asterisk indicates that pounds had to be omitted to protect confidentiality.

1975 BEAM TRAWL AND POT GEAR HARVEST OF SHRIMP IN SOUTHEAST

Table 34. Average net tons and keel lengths (in 3-foot increments) of boats with shrimp landings. Bottomfish and crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of Shrimp	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Crab
				POT GEAR				
31-33	1		8	*	1	*		
37-39	1		10	*				
46-48	1		29	*				
49-51	1		27	*	1	*		
TOTAL	4			5841	2	[less than 100 lbs]		
				BEAM TRAWL				
25-27	1		5	*			1	*
28-30	1		6	*				
34-36	1		14	*			1/2	*
				2584				[more than 5000 lbs]
40-42	2	13-14	13.5	*				
43-45	3	16-25	20.0	*				
	5			733,079				
46-48	1		20	*				
49-51	1		27	*				
52-54	1		28	*				
	3			281,597				
TOTAL	11			1,017,260			2	[more than 5000 lbs]

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 OTTER TRAWL AND POT GEAR HARVEST OF SHRIMP IN COOK INLET

Table 35. Average net tons and keel lengths (in 3-foot increments) of boats with shrimp landings. Bottomfish and crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of Shrimp	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Crab
				OTTER TRAWL				
40-42	2	12-25	18.5	*				
73-75	1		40	*				
79-81	1		115	*			1	*
TOTAL	4			4,525,959			1	*
				POT GEAR				
25-27	1		9	*				
28-30	4	2-15	7.7	*			2	*
	5			75,958			2	
31-33	8	5-11	8.7	101,698			4	11,681
34-36	4	5-12	8.0	23,047	1	*		
43-45	3	8-17	15.3	13,498	1		1	*
64-66	1		46	*				
73-75	1		40	*				
76-78	1		93	*			1	*
	3			10,917			1	*
TOTAL	23			225,118	2	*	8	39,210

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN BERING SEA

Table 36. Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
58-60	1		66	*			1	*
61-63	1		40	*				
67-69	1		89	*				
70-72	3	76-134	106.3	835,406			1	*
73-75	5	108-133	116.8	1,561,621			2	*
76-78	4	73-107	91.7	1,33,053				
79-81	14	77-198	132.2	4,236,999			3	441,648
82-84	13	108-154	137.2	6,101,339			3	475,264
85-87	9	98-138	120.3	4,354,884			1	*
88-90	4	138-198	157.5	2,776,525			2	*
91-93	15	134-147	138.4	9,348,869			4	1,358,376
94-96	3	83-180	135.3	1,817,421			1	*
97-99	6	98-200	136.5	2,794,693			2	*
100-102	3	130-199	155.6	2,453,955			2	*
103-105	2	159-171	165.0	*				
106-108	1		139	*				
109-111	7	131-135	133.0	4,266,362			2	*
112-114	1		134	*				
115-117	1		281	*				
118-120	2	129-201	165.0	*				
120+	5	106-243	196.2	2,385,329			1	*
TOTAL	101			52,588,012			25	6,586,015

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN SOUTHEAST

Table 37. Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
31-33	1		5	*	1	*	1	*
34-36	2		14	*	1	*	2	*
37-39	1		15	*			1	*
40-42	3	15-27	22.0	13,467			3	50,663
43-45	3	18-21	20.0	7,580	1	*	1	*
46-48	2	29-45	37.0	137,930	1	*	1	*
49-51	9	26-49	36.0	207,183	4	26,224	6	297,241
52-54	2	26-27	26.5	*	1	*	1	*
55-57	2		24.0	*			2	*
58-60	2	37-43	40.0	*	1	*	2	*
85-87	1		64	*			1	*
TOTAL	28			560,838	10	100,822	19	1,140,978

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN PRINCE WILLIAM SOUND

Table 38. Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
31-33	1		10	*			1	*
37-39	4	12-22	17.7	3260			4	299,857
40-42	1		22	*			1	*
49-51	2	18-28	23.0	*			2	*
58-60	1		30	*			1	*
64-66	1		40	*			1	*
TOTAL	10			53,423			10	1,044,053

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN KODIAK

Table 39. Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
1-24	4	2-5	4.0	21,246				
25-27	2		5	*	1	*	1	*
28-30	9	5-10	6.6	202,502			2	*
31-33	13	4-13	9.5	306,913	1	*	5	71,018
34-36	15	4-16	11.6	634,196			4	380,785
37-39	11	11-22	16.4	451,750	1	*	4	202,819
40-42	5	19-27	24.6	431,883	1	*	1	*
43-45	4	19-35	22.7	295,202			2	*
46-48	4	20-38	30.5	347,334			4	67,331
49-51	15	24-54	39.1	2,325,296	1	*	9	3,125,746
52-54	2	16-31	23.5	*			2	*
55-57	2	21-30	25.5	*			1	*
58-60	2	31-59	45.0	*			1	*
61-63	4	21-65	43.0	343,176			3	525,748
64-66	8	34-80	57.8	934,442			6	1,276,884
67-69	7	66-97	78.1	1,674,184			6	2,125,692
70-72	8	35-105	75.1	1,020,392			5	996,360
73-75	5	55-109	73.8	1,135,987			4	513,246
76-78	7	52-155	90.3	1,072,219			4	215,318
79-81	8	13-125	92.1	1,254,168			3	508,197
82-84	11	105-179	141.4	2,500,879			5	1,436,276
85-87	5	91-185	127.4	1,219,844			3	391,069
88-90	4	89-152	126.5	1,006,764			2	*
91-93	3	82-138	118.0	852,375			2	*
94-96	1		97	*				
97-99	1		98	*				
100-102	1		137	*			1	*
109-111	3	125-220	160.0	2,079,972			1	*
112-114	1		134	*			1	*
120+	3	293-338	311.3	576,893				
TOTAL	168			23,009,980	5	11,191	82	15,553,694

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN SOUTH PENINSULA

Table 40. Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
34-36	3	11-15	12.6	47,040				
37-39	2		12.0	*				
40-42	2	15-22	18.5	*			1	*
43-45	3	16-27	22.0	154,859			2	*
46-48	3	21-47	31.3	238,022			3	638,535
49-51	3	19-58	32.3	750,874			5	1,325,338
58-60	4	40-60	50.2	373,831			4	999,913
64-66	2	41-72	56.5	*			1	*
67-69	2	38-89	63.5	*			2	*
73-75	1		122	*			1	*
76-78	2	68-71	69.5	*			2	*
79-81	1		67	*			1	*
85-87	1		104	*			1	*
94-96	1		143	*				
TOTAL	30			2,595,455			23	3,964,549

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN DUTCH HARBOR

Table 41. Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
31-33	1		8	*				
34-36	1		12	*				
43-45	1		21	*				
46-48	1		20	*				
61-63	1		40	*				
67-69	1		89	*			1	*
70-72	3	76-134	106.3	433,507				
73-75	4	108-133	115.5	1,539,587			1	*
76-78	3	92-107	98.0	484,391				
79-81	13	77-198	128.9	2,398,892				
82-84	9	108-154	137.4	823,837				
85-87	7	98-188	128.4	1,408,860			1	*
88-90	2	138-151	144.5	*				
91-93	7	134-147	138.5	1,279,951				
94-96	2	83-143	113.0	*				
97-99	5	114-200	144.2	717,438				
100-102	2	130-138	134.0	*				
103-105	1		159	*				
106-108	1		139	*				
109-111	4	131-135	133.0	1,704,735				
118-120	2	129-201	165.0	*				
120+	4	106-219	178.7	431,558				
TOTAL	75			14,043,373			3	77,346

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN ADAK

Table 42. Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
70-72	1		134	*				
76-78	2	107-120	113.5	*				
82-84	2	133-154	143.5	*				
85-87	4	83-138	123.0	107,873				
88-90	4	137-198	157.2	338,911			1	*
91-93	9	134-281	154.1	548,250				
94-96	1		180	*				
97-99	1		200	*				
100-102	1		138	*				
103-105	1		171	*				
109-111	3	131-135	133.0	193,828				
115-117	1		281	*				
118-120	2	129-201	165.0	*				
120+	3	193-243	211.0	239,779				
TOTAL	35			2,395,[illegible]7			1	*

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN WESTERN ALEUTIANS

Table 43 Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
73-75	1	112		*				
79-81	1	134		*				
100-102	1	138		*				
103-105	1	171		*				
106-108	1	139		*				
TOTAL	5			254,570				

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

1975 HARVEST OF KING CRAB IN COOK INLET

Table 44. Average net tons and keel lengths (in 3-foot increments) of boats with king crab landings. Bottomfish and tanner crab landings by these same boats are also shown. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of King Crab	No. of Boats	Pounds of Bottomfish	No. of Boats	Pounds of Tanner Cr.
1-24	2			*				
25-27	1		5	*				
28-30	7	3-15	8.2	61,719			4	50,210
31-33	8	5-10	6.6	536,369			4	67,122
34-36	6	5-14	8.2	241,690			2	*
37-39	10	12-38	19.8	576,245			7	351,895
40-42	2	18-19	18.5	*			1	*
43-45	3	6-19	14.0	27,713			2	*
46-48	3	19-50	34.5	71,980			3	126,996
49-51	3	32-55	46.3	285,824			3	488,876
58-60	4	30-108	53.0	240,193			4	503,915
61-63	2	38-66	52.0	*			2	*
64-66	1		40	*			1	*
67-69	1		93	*			1	*
70-72	5	55-105	70.6	388,694			2	*
79-81	2	108-115	111.5	*			1	*
82-84	3	131-146	136.0	472,815			1	*
85-87	1		72	*			1	*
TOTAL	64			3,565,646			39	3,490,320

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

TABLE 45.--1975 HARVEST TANNER CRAB NOT INCLUDED IN THE KING CRAB TABLES

Table Average net tons and keel lengths (in 3-foot increments) of boats with tanner crab landings not included in the king crab tables. [In reporting pounds landed, some keel length categories were combined to protect confidentiality.]

Keel Length	No. of Boats	Net Tons Range	Net Tons Average	Pounds of Tanner Crab	No. of Boats	Pounds of Salmon
			SOUTHEAST			
37-39	1		9	*		
58-60	1		66	*		
61-63	1		43	*		
TOTAL	3			340,333		
			PRINCE WILLIAM SOUND			
1-24	1			*		
37-39	1		17	*	1	*
40-42	3	10-25	17.3	620,020	3	*
46-48	1		21	*		
49-51	2	35-38	36.5	*		
52-54	1		30	*		
58-60	1		57	*		
70-72	1		57	*		
TOTAL	11			1,705,101	4	377,134
			COOK INLET			
49-51	1		31	*		
TOTAL	1			*		
			KODIAK			
25-27	1		9	*	1	*
31-33	1		12	*	1	*
37-39	1		22	*	1	*
70-72	1		70	*		
73-75	1		109	*		
TOTAL	5			195,059	3	184,797

*The asterisk indicates that pounds had to be omitted to protect confidentiality. The pounds landed in these cases are included in the final total.

3.5.2.1 Total gross income of fleet. Table 46 shows revenues of the domestic groundfish fishery, by gear type. Longline vessels and those using pot gear made up 58 of the 73 vessels targeting on bottomfish. The majority of these vessels fished in the Southeastern area. Average gross income for all vessels was $9,746 during 1976. Vessels fishing for sablefish with pots had the highest gross income—$17,492. Purse seiners were the lowest with $702.

The average gross income from groundfish and other fisheries for 1976 is given in Table 47. Tables 48-53 show average gross income per vessel by gear type.

TABLE 46

AVERAGE GROSS INCOME/VESSEL
FOR TARGET GROUNDFISH

1976

Gear type	ADF&G Gear Load	Southeastern No. of Ves.	Southeastern Total Value	Southeastern Avg. Value	Yakutat No. of Ves.	Yakutat Total Value	Yakutat Avg. Value	Kodiak No. of Ves.	Kodiak Total Value	Kodiak Avg. Value	Chirikof No. of Ves.	Chirikof Total Value	Chirikof Avg. Value	Shumagins No. of Ves.	Shumagins Total Value	Shumagins Avg. Value	TOTAL FOR ALL AREAS No. of Ves.	TOTAL FOR ALL AREAS Total Value	TOTAL FOR ALL AREAS Avg. Value
Longline	06/61	44	474,742	10,789	1	1,212	1,212	6	19,572	3,262	1	702	702	-	-	-	52	496,228	9,543
Otter trawl	07/27	2	25,831	12,915	-	-	-	9	69,098	7,678	5	13,249	2,650	-	-	-	14	108,178	7,727
Pots	09/91	6	104,954	17,492	-	-	-	-	-	-	-	-	-	-	-	-	6	104,954	17,492
Purse seine	01	3	2,106	702	-	-	-	-	-	-	-	-	-	-	-	-	3	2,106	702
Troll	05/15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bear trawl	17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	TOTAL	55	607,633	11,048	1	1,212	1,212	15	88,670	5,911	6	13,951	2,325	-	-	-	73[1/]	711,466	9,746

1/ Number of vessels non-additive (multiple gear, multiple area vessels counted only once).

TABLE 47

AVERAGE GROSS INCOME/VESSEL

1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
1			2,119	895		3,014	206,027
2				3,392		3,392	240,219
3			340			340	146,950
4	9,315					9,315	12,805
5	8,539					8,539	62,293
6	1,668					1,688	7,838
7			16			16	2,155
8			339			339	39,491
9	13					13	149
10			4,146			4,146	48,156
11			2,597			2,597	35,657
12			23,018			23,018	155,508
13			2,822	702		3,524	14,254
14			7,374			7,374	64,649
15	20,785					20,785	121,564
16	51,218					51,218	203,555
17	64,057					64,057	143,233
18	275					275	65,535
19	5,561					5,561	35,211
20	34,862					34,862	182,521
21	10,471					10,471	56,644
22	2,697					2,697	6,497
23	3,608					3,608	6,001
24	53					53	38,538
25	7,353					7,353	39,160
26	25,123					25,123	64,764
27	193					193	11,926
28	3,534					3,534	40,919
29	3,061					3,061	81,794
30	3,100					3,100	21,948
31		1,212				1,212	46,587
32	18,486					18,486	54,510
33			14,175			14,175	99,338
34	20,274					20,274	34,747

TABLE 47 (Continued--b)

AVERAGE GROSS INCOME/VESSEL

1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
35	20,079					20,079	168,516
36	4,826					4,826	65,084
37	26,502					26,502	252,360
38	1,946					1,946	55,186
39	575					575	187,664
40	7,093					7,093	37,496
41	3,609					3,609	16,511
42	947					947	19,417
43	13,499					13,499	68,541
44	38,750					38,750	48,582
45	15,226					15,226	134,691
46	7,788					7,788	19,105
47	1,256					1,256	233,015
48	217					217	59,453
49	4,022					4,022	30,847
50	84					84	1,713
51	3,436					3,436	53,650
52	3,658					3,658	3,658
53	8,507					8,507	36,599
54	6					6	29,276
55			11,840	4,291		16,131	130,853
60				359		359	21,945
61			558			558	580
58				4,312		4,312	290,561
59	1,320					1,320	1,320
60	1,915					1,915	51,514
61	8,204					8,204	38,620
62	18,535					18,535	49,564
63			138			138	138
64			17,526			17,526	81,711
65	19					19	22,021
66	7,547					7,547	87,685
67	328					328	53,720
68	3,929					3,929	105,744

TABLE 47 (Continued--d)

AVERAGE GROSS INCOME/VESSEL

1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
69			1,662			1,662	165,077
70	25,952					25,952	124,372
71	20,451					20,451	80,307
72	11,149					11,149	19,528
73	52,012					52,012	121,632

TABLE 48

AVERAGE GROSS INCOME/VESSEL

OTTER TRAWL
1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
1			2,119	895		3,014	206,027
2				3,392		3,392	240,219
3			340			340	146,950
10			4,146			4,146	48,156
11			2,597			2,597	35,657
12			23,018			23,018	155,508
14			7,374			7,374	64,649
20	24,511					24,511	182,521
55			11,840	4,291		16,131	130,853
56				359		359	21,945
58				4,312		4,312	290,563
59	1,320					1,320	1,320
63			138			138	138
64			17,526			17,526	81,711

TABLE 49

AVERAGE GROSS INCOME/VESSEL

PURSE SEINE

1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
18	275					275	65,535
39	575					575	187,664
47	1,256					1,256	233,015

TABLE 50

AVERAGE GROSS INCOME/VESSEL

LONG LINE (Excluding Halibut)

1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
4	9,315					9,315	12,805
5	8,539					8,539	62,293
6	1,668					1,668	7,838
7			16			16	2,155
8			339			339	39,491
9	13					13	149
13			2,822	702		3,524	14,254
15	20,785					20,785	121,564
16	51,218					51,218	203,555
19	5,561					5,561	35,211
20	10,351					10,351	182,521
22	2,697					2,697	6,497
23	3,608					3,608	6,001
24	53					53	38,538
25	7,353					7,353	39,160
26	25,123					25,123	64,764
27	193					193	11,926

TABLE 51

AVERAGE GROSS INCOME/VESSEL

LONG LINE (Excluding Halibut)

1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
28	3,534					3,534	40,919
29	3,061					3,061	81,794
30	3,100					3,100	21,948
31		1,212				1,212	46,587
32	18,486					18,486	54,510
33			14,175			14,175	99,338
34	20,274					20,274	34,747
35	20,079					20,079	168,516
36	4,826					4,826	65,084
37	26,502					26,502	252,360
38	1,946					1,946	55,186
40	7,093					7,093	37,496
41	3,609					3,609	16,511
42	947					947	19,417
43	13,499					13,499	68,541
44	38,750					38,750	48,582
45	15,226					15,226	134,691

TABLE 52

AVERAGE GROSS INCOME/VESSEL

LONG LINE (Excluding Halibut)

1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
46	7,788					7,788	19,105
49	4,022					4,022	30,847
50	84					84	1,713
51	3,436					3,436	53,650
52	3,658					3,658	3,658
53	8,507					8,507	36,599
54	6					6	29,276
57			558			558	580
60	1,915					1,915	51,534
61	8,204					8,204	38,620
62	18,535					18,535	49,564
65	19					19	22,021
66	7,547					7,547	87,685
69			1,662			1,662	165,077
71	20,451					20,451	80,307
72	11,149					11,149	19,528
73	52,012					52,012	121,652

TABLE 53

AVERAGE GROSS INCOME/VESSEL

POT GEAR

1976

Vessel Number	Southeastern Target Groundfish $	Yakutat Target Groundfish $	Kodiak Target Groundfish $	Chirikof Target Groundfish $	Shumagins Target Groundfish $	TOTAL FOR ALL AREAS Target Groundfish $	Total $/Vessel
17	64,057					64,057	143,233
21	10,471					10,471	56,644
48	217					217	59,453
67	328					328	53,720
68	3,929					3,929	105,744
70	25,952					25,952	124,372

3.5.2.2 Investment in vessels and gear.
No information available.

3.5.2.3 Annual participation in subject fishery.
Table 54 shows the number of groundfish landings by species and area. The number of fishing days per landing was not determined.

TABLE 54

NUMBER OF LANDINGS/SPECIES/AREA

1976

Targeted Species	Southeastern	Yakutat	Kodiak	Chirikof	Shumagins	Total
Pacific Ocean Perch	-	-	-	-	-	-
Other Rockfish	836	46	3	1	-	886
Sablefish	485	36	-	-	-	521
Other Flounder	10	-	8	-	-	18
Cod	488	34	113	28	10	673
Pollock	7	-	-	-	-	7
Other	-	-	-	-	-	-
Total	1,826	116	124	29	10	2,105

3.5.2.4 Total Manpower employed.
The information available with respect to manpower and income is presented in Section 3.5.3

3.5.2.5 Economic viability (net income and efficiency).
Inadequate information available.

3.5.3 Domestic commercial processing characteristics.

3.5.3.1 Total gross income of area processors.
In 1975, the latest year for which data area available, the total first wholesale value of all fishery products taken in Alaska was $293 million. Twelve of the companies surveyed to determine groundfish plans for 1978 indicated recent (1976 and 1976–77) gross annual sales totaling $226 million. The survey apparently covered a substantial portion of the processing industry and could be considered representative of current conditions.

3.5.3.2 Investment in plant, equipment, etc.
Fourteen companies responded to the request for information on plant investment. They indicated a total investment of $80.3 million in 24 locations in the Gulf of Alaska and Unalaska. This would be an average of $3.3 million per location.
Industry plans for 1978 include the expansion of capacity in 16 locations. The investment projections are not available, but will no doubt range widely, since plans vary from installing machinery in existing plant space to construction of additional processing and freezing facilities in order to enter the groundfish fishery.

3.5.3.3 Total employment and labor income.
In 1975, 21,860 commercial fishermen operating 11,630 vessels grossed $125 million in Alaska's commercial fisheries.[2] Three general categories of commercial fishing are reported as follows:

	Pounds	Value
Salmon	137,606,813	$55,301,908
Shellfish	246,857,711	55,272,050
Other fish	52,810,240	14,357,369
Total	437,274,764	124,931,328

For the same year, the Alaska Department of Labor reported 47,011 man months of Food and Kindred Products manufacturing in Alaska exclusive of meat, dairy, grain mill and bakery products, fruit and vegetable preservation and beverage manufacturing.[3] The payroll was $39 million for the classification (Miscellaneous Foods and Kindred Products) which includes fish processing, with an average monthly employment of 3918. A survey of the Alaska food processing industry from August of 1974 to March 1975, indicated that the number of people involved in fish processing exclusive of managerial personnel was 3,463.[4] Therefore, it is assumed that the miscellaneous Food and Kindred Products classification in the Statistical Quarterly is a reasonably accurate measure of the seafood processing industry.

3.5.3.4 Economic viability.
No information available.

3.5.4 Recreational fishing characteristics.
In most areas of the state, groundfish, excepting halibut, are not highly regarded as sportfish. Minor fisheries for flounder and black rockfish exist near population centers of western Alaska such as Kodiak. In Southeastern sportfishermen occasionally jig for

[2] Alaska Department of Fish and Game Preliminary Catch and Production Commercial Fisheries Statistics, 1975.

[3] Alaska Department of Labor 1975 Statistical Quarterly.

[4] Alaska Department of Labor, Occupational Employment Statistics for Alaska. Employment Estimates in Selected Occupations in Food Processing—Printing and Publishing—Wood Products.

black rockfish or for the deeper dwelling red snappes[5]; however, as often as not rockfish caught while trolling are discarded, being considered inferior to the highly prized coho and king salmon.

The Seward area has the only intensive groundfish sportfishery. In close proximity to the population centers of the Anchorage area and with Army and Air Force recreation camps nearby, Resurrection Bay supports a fishery for groundfish of some 20,000 man-days, equal to the highly publicized salmon sportfishery.

Although sportfishing for halibut is very popular and halibut derbies are enthusiastically supported by various communities throughout the state, the sportfish fishery for other species can in general be considered as a recreational/subsistence fishery with sport gear.

3.5.5 Subsistence fishing characteristics.

The coastal Native people of Alaska have historically relied heavily on marine resources for their subsistence. The Aleuts and Koniags utilized not only marine mammals and salmon extensively, but also other fish species such as halibut, cod, flounders, greenling, and smelt. Collins (1945) described the jig fishery for Atka mackerel in inshore waters, the drying of capelin and the taking of sculpins for human consumption. Halibut, turbot, and cod were fished in depths to 60 fathoms using line of sinew or kelp, V-shaped wooden and bone hooks, floats of carved wood or inflated seal stomachs, and stone anchors (Hrdlicka, 1945). Clark (1974) and DeLaguna (1964) describe the use of similar techniques in the Kodiak and Yakutat areas, respectively. In addition to salmon, the Tlingit and Haida of the Yakutat and Southeastern areas relied most heavily on halibut, herring, and smelt. In the early protohistoric period much of the fish was eaten raw or boiled or broiled, cod being one species which was always cooked before consumption.

Today the use of fish for subsistence, with the exception of salmon, is considerably less than during the period prior to the establishment of local stores and easily accessible packaged and canned foods. Of the groundfish species halibut is most extensively preferred and utilized statewide. Clark (1974) has noted the continued use of cod and poggie (greenlings) in the Aleutians. Flounder and sculpin are occasionally speared in shallow lagoons of the Kodiak area, and in Southeast Alaska the Native people continue to subsist on the traditional species. The indigent Native families are at times heavily dependent on various groundfish species. Cod is seldom if ever eaten, however, and rockfish are eaten only rarely.

The commercial fishermen of Alaska subsist to varying degrees on incidental groundfish. The magnitude of utilization, although extensive, is hard to estimate and of course depends on individual cultural heritage and preference. Pacific cod is the most favored of those retained.

3.5.6 Indian treaty fishing characteristics.

Two coastal Indian reservations, Annette Island and the Karluk are on Alaska's coast. These reservations extend 3,000 feet seaward from land, and are, therefore, well within State waters. While the Indians generally abide by State laws and regulations (with the exception of the Annette Island salmon traps), the Secretary of the Interior has the authority to regulate the fisheries within the reservation boundaries.

3.5.7 Other activities directly related to fishing.

A potential source of impact on marine resources and fisheries is the exploration and development of oil and gas deposits along the Outer Continental Shelf (OCS) of Alaska. As manager of the Outer Continental Shelf Leasing Program, the Bureau of Land Management (BLM) of the Department of Interior has initiated the Outer Continental Shelf Environment Assessment Program (OCSEAP) as an essential part of its management responsibilities to ensure that the marine environment is not seriously disturbed or altered. In each OCS area for which development is proposed (Figure 12), extensive environmental studies are to be conducted before such development is allowed (or disallowed). In this regard, numerous studies have been underway for several years now under the auspices of OCSEAP.

Figure 12.—Proposed lease areas for oil and gas development.

3.5.8 Area community characteristics.

Profiles for over 100 Alaska coastal communities are available for reference at the following sites: North Pacific Fishery Management Council Headquarters;[6] National Marine Fisheries Service, Alaska;[7] and Northwest Regional Offices;[8] Northwest and Alaska Fisheries Center;[9] and Alaska Department of Fish & Game Headquarters.[10]

3.6 Interaction between and among user groups.

3.6.1 Domestic.

The potential for conflicts between domestic users will be increased both directly and indirectly with the advent of an extensive groundfish trawl fishery. Presently within the shellfish fisheries there exist gear conflicts between the users of mobile and stationary gear, specifically between the shrimp trawlers and king and Tanner crab fishermen, and occasionally halibut fishermen. Because of the relatively restricted inshore distribution of commercially harvestable shrimp stocks and the timing of the shrimp and crab seasons, user groups can choose alternate grounds and thereby reduce confrontations between user groups. However, with a groundfish fishery dragging within a wide range of depths and habitat types, voluntary actions on the part of the fishermen may no longer present a workable solution to the problem.

Indirect competition involving the capture and destruction of incidentally caught species especially with regard to long established crab and halibut fisheries presents another potential conflict among domestic fishermen. Legal-sized male, juvenile and female crabs and juvenile and adult halibut are distributed over vast areas of the Continental Shelf. From National Marine Fisheries Service surveys, it is known that groundfish and crab distributions overlap to a substantial degree. Further study is necessary to delineate potential groundfish fishing grounds with respect to shellfish and halibut distributions and thereby determine the extent of potential conflict.

The majority of groundfish landed within Alaska are caught with stationary gear; the trawl fisheries for flounders and pollock in Southeastern and the bait fishery within the remainder of the State are restricted in area; these trawl fisheries, considering the cooperative aspect, are providing the crab fishermen with a necessary commodity, bait; and most groundfish fishermen are engaged in other fisheries. Therefore, conflicts can presently be considered to be at a minimum.

3.6.2 Trawl vs. halibut.

The halibut fishery in the Gulf of Alaska is affected by domestic fisheries for shrimp, crab, and groundfish (primarily sablefish), and by foreign fisheries for groundfish. The kinds of impacts include destruction of gear, preemption of fishing grounds, and a reduction in abundance that results from that incidental capture of halibut.

The effects of domestic fisheries on halibut are less than by foreign fisheries. Gear conflicts between domestic fisheries are minimal, but the annual halibut incidental catch by domestic fishermen, although not precisely known, may be as high as 2,000 mt west of Cape Spencer (IPHC Area 3). In recent years, this would represent about 30 percent of the catch by the halibut fishery in this area. Most of the incidental catch occurs in the shrimp and crab fisheries as the domestic trawl fishery for groundfish in the Gulf of Alaska is insignificant at present. However, a major impact on the halibut fishery could occur if effort toward groundfish increases. An incidental catch of about 2,000 mt now occurs annually in the Canadian and U.S. trawl fishery for groundfish off British Columbia (Hoag, 1971).

Regarding foreign fisheries, halibut fishermen occasionally report instances of gear destruction or preemption of grounds. This type of interference probably would be even greater except that foreign fleets have traditionally fished for species (e.g., Pacific ocean perch) that generally are deeper than halibut. An increase in conflicts can be expected if foreign fleets shift to more shallow water species such as Pacific cod or rock sole. The more important effect of foreign fishing is that of incidental catches. Although foreign vessels target on species other than halibut, halibut are taken incidentally in substantial numbers. Regulations require that halibut caught by Japanese fishermen be released, but most die

[5]Red Snapper are any of several red rockfish species, e.g., *S. ruberimus* or *S. alutus*.

[6]P.O. Box 3136DT, Anchorage, Alaska 99510.

[7]P.O. Box 1668, Juneau, Alaska 99802.

[8]1700 Westlake Avenue North, Seattle, Wash. 98109.

[9]2725 Montlake Boulevard East, Seattle, Wash. 98112.

[10]Subport Building, Juneau, Alaska 99801.

from injuries received during capture (Hoag, 1975). Hoag and French (1976) used data collected by observers to estimate the annual incidental catch by foreign trawlers in the Gulf of Alaska (including the British Columbia Coast). Their estimates show that the catch peaked in 1965 at about 9,000 mt (1,500,000 fish) but more recently has averaged about 4,000 mt. The majority of these halibut were 3 to 7 years old and less than 10 pounds. Total (foreign plus domestic) incidental trawl catch in recent years, therefore, has averaged about 8,000 mt. Estimates of the incidental catch by the foreign sablefish fishery are not available. Halibut often are hooked on sablefish gear, and North American fishermen have been asked to return sablefish hooks found in halibut; over 200 of these hooks were returned in 1975. Most of the hooks were found in halibut over 5 kg., an indication that smaller halibut are either not able to escape or are not hooked.

Hoag (1976) used estimates of the incidental halibut catch (excluding the catch by the domestic shrimp and crab fisheries) and assessed the effect of trawling on the North American setline fishery for halibut. The results showed that trawling reduced the survival of juvenile halibut and, therefore, recruitment to the setline fishery. The estimated yield loss to the setline fishery was substantial, averaging about 5,000 mt annually since 1967 and representing nearly 50% of the setline catch west of Cape Spencer in recent years.

Since 1975, foreign trawling in the Gulf has been prohibited in specified areas and times in order to reduce the halibut catch by trawlers, provide protection for spawning stocks, and allow important halibut grounds to remain undisturbed for several months before the opening of the halibut season (see Sections 8.3.1. and 8.3.2). Although beneficial, area-time closures in the Gulf have not been as successful in reducing the incidental catches as those in the Bering Sea, the difference being that halibut in the Gulf are not concentrated in a relatively small geographic area as they are in the Bering Sea. Halibut concentrations occur throughout the Gulf; if fishing effort by trawlers is merely shifted from closed to open areas where the incidence of halibut is nearly as high, then savings from the present closures will be minimal.

The incidental catch of halibut in the Gulf varies with target species, season and depth. The incidence of halibut observed in the Japanese fishery during the 1960's is shown by month and area in the following table 55 (Hoag and French, 1976). Data were not available for many area-month blocks, but some differences were apparent. The incidence was highest during the winter and spring, averaging about 10 halibut per metric ton of total catch and exceeding 20 per metric ton in several areas. The incidence during the summer and fall was less than one per metric ton. The difference apparently is due to the depth fished. Groundfish trawls, fished primarily for Pacific ocean perch, operated at depths of 200–400 meters. Shrimp trawls were fished at 100–200 meters. Data from research surverys with trawls (IPHC, 1964; Hughes, 1974; Hughes and Alton, 1974) shows that halibut occur over a broad range of depths but usually are concentrated at depths of 100–300 meters during the winter and spring and less than 100 meters during the summer. Therefore, halibut tend to be in shallower water during the summer than that in which the trawl fishery operates. The depth fished, however, does vary with target species. In the past, foreign trawlers have fished for Pacific ocean perch that generally inhabit depths over 200 meters. The primary target species has recently shifted to pollock, but pollock also tend to be deeper than halibut during the summer and fall, and the highest incidence of halibut in a pollock fishery is likely to occur during the winter and spring. The same is true for species such as sablefish and turbot. Exceptions to this pattern probably occur with shallow water species such as rock sole and Pacific cod.

Table 55 -

Average incidence and weight of halibut in Japanese trawls in the northeast Pacific by month, area, and trawl type, 1963-1969.

INPFC Areas - Trawl Type	Month								
	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.
Groundfish Trawls	Incidence (Number per metric ton)								
Shumagin	0.404	10.932	4.724	2.235	0.300	1.038	-	-	3.750
Chirikof	22.142	1.200	22.680	2.010	0.354	0.181	0.902	1.035	0.128
Kodiak	3.138	4.566	6.729	8.411	0.601	0.255	0.228	0.526	2.337
Yakutat	-	-	14.250	-	-	0.841	0.460	0.237	-
Southeastern	-	-	-	-	-	0.174	0.056	-	-
Charlotte	-	-	-	1.188	1.391	0.068	0.044	-	-
Vancouver	-	-	-	0.000	-	-	0.000	-	-
Shrimp Trawls									
Shumagin	-	-	-	8.906	5.083	3.500	-	-	-
Chirikof	7.500	-	-	-	8.388	2.165	4.884	-	-
Kodiak	11.249	-	37.127	36.475	29.300	-	4.455	3.019	-
Groundfish Trawls *	Weight (kg)								
Shumagin	3.55	2.00	2.18	1.98	2.10	2.50	-	-	1.86
Chirikof	8.45	8.41	2.04	5.22	2.60	13.36	13.90	-	-
Kodiak	2.77	1.81	2.59	2.61	7.09	15.56	6.69	4.87	3.05
Yakutat	-	-	3.41	-	-	9.20	13.45	12.10	-
Southeastern	-	-	-	-	-	13.50	-	-	-
Shrimp Trawls									
Shumagin	-	-	-	2.40	2.40	2.40	-	-	-
Chirikof	5.20	-	-	-	1.10	4.89	5.61	-	-
Kodiak	4.54	-	0.93	2.50	3.18	-	3.30	2.84	-

* Data not available in Charlotte-Vancouver areas.

Gear modifications offer an opportunity to save halibut without seriously affecting operations for other fisheries. If properly fished, halibut usually are not caught in pelagic trawls. In 1976, gear experiments were conducted to test the effects of off-bottom versus on-bottom trawls (Pereyra et al., unpublished document submitted in INPFC in 1976). Data were collected on Japanese stern trawlers fishing for pollock with two types of trawls: an on-bottom net that is commonly used in the Japanese pollock fishery, and an experimental off-bottom net that was similar in construction to the on-bottom net except that dropper chains of up to 2 m were placed between the bobbins and footrope. The average incidence was 1.9 halibut per metric ton of groundfish in the on-bottom net compared to 0.7 per metric ton in the off-bottom net. Another important result was that trawlers apparently can successfully harvest pollock with the off-bottom net; in fact, the groundfish catch was actually higher with the experimental off-bottom trawls, 9.5 mt per hour compared to 8.8 mt per hour in the on-bottom nets.

3.6.3 Trawl vs. salmon.

During the mid-1970's Japan and the U.S.S.R. permitted U.S. scientific observers aboard their trawlers fishing in the northeastern Pacific to sample the catch. One of the observers' duties was to determine the incidence of salmon in the daily trawl landings. Although sampling was limited and did not occur in all areas each month, salmon were observed in trawl catches in each of the major statistical areas from Shumagin Area to Vancouver Area.

Table 56 shows that average incidence of salmon by area and month for Japanese and U.S.S.R. trawlers from data collected in 1976. The highest incidence occurred on a U.S.S.R. trawler in the Kodiak area in August, the result of generally large catches of salmon on two separate days during the nine days of sampling. Other fairly high incidence rates of salmon occurred mainly during March and April and in December. Because of the limited sampling it is not possible to make an estimate of the total incidental catch of salmon by trawlers in the northeastern Pacific.

Salmon taken by trawlers in the northeastern Pacific were all chinook salmon (*Oncorhynchus tschawytscha*) with the exception of two instances in which a sockeye salmon (*O. nerka*) was observed in the catches.

Available data are too scant to project future incidental salmon catches in foreign and domestic groundfish fisheries or their impact on salmon resources.

Table 56--Average incidence of salmon (number per metric ton of groundfish catch) in catches by Japanese and USSR trawlers in the northeastern Pacific Ocean by area and month, 1976 (U.S. observer data).

	Statistical Area				
Month	Shumagin	Chirikof	Kodiak	Yakutat	Southeastern
Japanese vessels					
January					
February					
March				0.457	0
April	0.555			0.065	0.066
May			0	0.014	0
June			0		
July					
August	0	0	0		
September			0.024	0	0
October					
November			0.032		0.003
December	0	0.074	0.703		
USSR vessels					
January					
February					
March					
April					
May					
June					
July			0.051		
August			6.655		
September					
October		0	0		
November					
December			0.019		

Blank blocks indicate no sampling occurred; 0 indicates no salmon were observed during the sampling

3.7 Federal and State revenues derived from fishery.

Federal revenues are based on charges placed on foreign fisheries, while State (Alaska) revenues are based on fees and taxes placed on the domestic fishery.

3.7.1 Federal revenues.

A summary of U.S. revenues expected in 1977 from charges placed on foreign nations fishing within the 200-mile zone in the Gulf of Alaska is presented below.

Expected U.S. revenue from foreign nations, Gulf of Alaska, 1977.1/ (preliminary)

Type of Revenue	Total	Country: Japan	U.S.S.R.	Poland	ROK	Taiwan	Unallocated
	(Dollars)						
Income from vessel fee	179,100	22,500	111,200	6,000	39,300	100	0
Income from poundage fee	1,545,800	836,700	477,100	26,200	151,100	2,600	52,100
Reimbursable income2/ (U.S. Observer cost)	140,200	55,100	55,100	20,000	10,000	---	---
Fines and penalties	---	---	---	---	---	---	---
Total	1,865,100	914,300	634,400	52,200	200,400	2,700	52,100

1/ Source: Natl. Mar. Fish. Serv., Div. Int. Fish. (March 16, 1977).
2/ Source: Resour. Ecol. Fish. Mgt. Div., Northwest Alaska Fish. Cent., NMFS

Revenues from vessel and poundage fees total $1,724,900 for 1977. Reimbursable income (to cover the cost of placing U.S. observers aboard foreign fishing vessels in the Gulf of Alaska is tentatively estimated at $140,200. Fines and penalties are tied to violations and are, therefore, variable income items. The expected total U.S. revenue for 1977 is around $1,865,100.

3.7.2 State revenues.

Average annual State revenue derived from the domestic groundfish fishery in the Gulf of Alaska is presented below.

State of Alaska revenue from domestic groundfish fishery in the Gulf of Alask
FY 1973-76 average. (approximation)

Type of revenue	State-wide total1/	Gulf of Alaska Groundfish fishery: Including halibut2/	Excluding halibut3/
	(Dollars)		
(1) Raw fish tax	1,615,800	79,600	9,700
(2) Cold storage tax (including freezer ship)	1,159,300	132,300	55,800
(3) Vessel and gear licenses	559,200	26,100	3,500
(4) Commercial fish licenses	342,300	29,500	4,100
Annual Total	$3,676,600	$267,500	$73,100

1/ Source: Alaska State Department of Revenue
2/ Revenue was estimated as 4.929% of state-wide total of type (1); 11.408% (2); 4.66% (3); and 8/615% (4).
3/ Revenue was estimated as 0.600% of state-wide total of type (1); 4.813% (2); 0.634% (3); and 1.209% (4).

Excluding the halibut fishery, State revenue from the domestic groundfish fishery in the Gulf of Alaska most recently (fiscal year 1973-76) was approximately $73,100 per year (2.0 percent of State-wide revenue). Including the halibut fishery, State revenue from the groundfish fishery was approximately $267,500 per year (7.3 percent of State-wide revenue).

4.0 Biological descriptors.

4.1 Distributional and life history features.

4.1.1 Distributional features.

The distribution and abundance of the major groundfish species of the Gulf of Alaska lie mainly in continental shelf and upper slope waters, i.e., from inshore waters to bottom depths of 500 m (Table 57). Exceptions are sablefish and the deep water stocks of rattails and idiot rockfish. Although sablefish, particularly juveniles, are found in Continental Shelf waters, the adult population is centered at slope depths of 275 to 500 m, with some important sablefish stocks also found in the inside waters of southeastern Alaska. Rattails and idiot rockfish are important components of the groundfish community of the lower slope region (400-900 m). A small amount of rattails has been taken by Soviet fishery vessels in some years. Idiot rockfish probably comprise a very small part of the bycatch in the foreign trawl fisheries.

The seasonal movements of groundfish in the Gulf of Alaska are not yet known in any great detail. Along shore or coastwise movements of most groundfish are probably of short range with known exceptions being for Pacific halibut and sablefish and possibly for Pacific ocean perch. Tagging studies have indicated some long migrations of Pacific halibut and sablefish, but these movements are probably not seasonal. Pacific ocean perch apparently migrate in the winter from the Unimak-Chirikof areas eastward to Kodiak-Yakutat areas for spawning and return for feeding by early fall (August-September) to areas south of Unimak, Lyubimova (1963, 1965).

Seasonal bathymetric movements are a common feature of most and possibly all major groundfish species of the Gulf. Typically, there is a movement to deep water in the winter and return movement to shallower depths by summer. For most species the depth change may not be very great.

Table 57.-- Life history characteristics of principal groundfish species in the Gulf of Alaska[1/]

Life history characteristics	SPECIES								
	Pollock	Cod	Sablefish	Ocean perch	Halibut	Turbot	Flathead sole	Rock sole	Atka mackerel
Bottom depths of common occurrence (fath.)	30-200	10-150	50-450	50-250	10-250	30-300	30-200	10-100	Coastal and open sea
Depths of high availability by season (fath.)	100-200 (winter) 50-150 (summer)	50-150 (winter) less than 100 (summer)	? (winter) 150-450 (summer)	150-250 (winter) 80-150 (summer)	50-225 (winter) 10-100 (summer)	200 + (winter) 50-200 (summer)	100-200 (winter) 50-150 (summer)	20-100 (winter) 20-50 (summer)	offshore (winter) inshore (summer)
Spawning period	March to June	Jan. to March	Dec. to April	March to June	Nov. to March	Dec. to Feb.	March to June	March to June	June to Sept.
Maximum age	17 years	12 years?	20 years?	30 years	42 years	22 years	21 years	16 years	?
Average age at maturity (female)	3 years	3 years	7 years	8 years	12 years	8 years	6 years	4-5 years	3-4 years
Average size at maturity (female)	30 cm	55 cm	71 cm	28 cm	125 cm	51 cm	29 cm	32 cm	33-35 cm
Instantaneous natural mortality rate, M	0.43	0.6	0.22	0.19	0.17	?	?	0.26	?
Growth completion rate, K (female)	0.27	0.67	0.14[2/]	0.11	0.27	?	0.11	0.15	?
Fecundity at average size at maturity	100,000	800,000	400,000	10,000	600,000	?	50,000	200,000	9,000

1/ Values and time periods given in this table are approximations.

2/ Sexes combined.

4.1.2. Life history features.

Most of the principal groundfish species spawn either in the winter or early spring. Cod, sablefish, and the large flounders, Pacific halibut and turbot, spawn during the winter months in deep water. Most other groundfish species reproduce during the spring (March-June). Atka mackerel is a summer spawner.

The principal groundfish species can be placed into three groups based on their reproduction. Cod, rock sole, and Atka mackerel lay adhesive demersal eggs. Pollock, sablefish, and most flatfish have pelagic eggs. Pacific ocean perch has internal fertilization and release pelagic larvae.

There is considerable variation between species in the amount of eggs or young produced (Table 57). Upon reaching maturity, cod may release some 600,000 eggs. Halibut and sablefish are also highly fecund. Pacific ocean perch and Atka mackerel are the least fecund of the groundfish group. Fecundity of all species is generally directly related to size of the female, a characteristic which, among vertebrates, is unique.

Among the principal groundfish species are the long-lived fishes which reach sexual maturity late in life, such as the Pacific ocean perch and the large flounders, Pacific halibut and turbot. Mortality due to natural causes is relatively low in these species. Pacific ocean perch is one of the slowest growing of the groundfish species. In contrast, pollock, cod, and Atka mackerel are short-lived and mature at an early age (3–4). Both pollock and cod have high natural mortality and growth rates. Sablefish, flathead sole, and rock sole mature at ages intermediate to those species groups mentioned above. Average age at maturity is estimated to be 7 years for sablefish, 4–5 years for rock sole, and 6 years for flathead sole.

4.2 Stock units.

Although the evidence is incomplete, most groundfish in the Gulf of Alaska can be viewed as being permanent residents. Some Pacific halibut have been observed to migrate long distances along the coasts of the United States and Canada in and out of the Bering Sea; yet, for management purposes a line is drawn at Cape Spencer by the International Pacific Halibut Commission to differentiate a northern or western stock (Area 3) from a southern or eastern stock (Area 2). Tagging studies have shown some interchange of sablefish between the Bering Sea and eastern North Pacific Ocean. These studies suggest, however, that exchange of sablefish between areas is slow and that the majority of sablefish do not migrate over great distances (Low, 1976). It is reasonable, therefore, to consider that they form entities within these major ocean basins which probably should be managed as separate units.

The Gulf of Alaska Pacific ocean perch stock is considered to be separate from those of the eastern Bering Sea, Aleutian, and British Columbia-California stocks (Chikuni, 1975; Westrheim, 1970). Within the Gulf, ocean perch may exist in several subpopulations. There is no commonality in year class strengths between the eastern Bering Sea pollock and those of the Gulf of Alaska, which suggests little or no exchange of fish between these regions.

4.3 Catch and effort.

4.3.1 United States.

The basic data on the domestic groundfish fisheries of the Gulf of Alaska consist of vessel landings by species and groups with date of landing and the State of Alaska statistical area where the fish were caught. In addition vessels licensed by IPHC to fish halibut must provide a daily record of where each set took place, the spacing of the hooks along the groundline, the kinds of bait used, and catch and effort. The State of Alaska summarizes these basic data with inputs from IPHC and reports the annual catch in their Statistical Leaflet series [11] by two broad regions of the Gulf—*Southeastern* from the border of British Columbia to 144° west long. and *Central* from 144° west long. to Unimak Pass in the western Gulf. The series also provides a subdivision of the halibut catch by nation (U.S. and Canada) and by IPHC statistical areas. An IPHC report (in press) summarizes catch and effort statistics of the halibut fishing for the period 1929-76.

The domestic catch data are also reported in the Statistical Yearbook of the International North Pacific Fisheries Commission (INPFC), but by INPFC statistical areas and by gear type.

They also reported in annual reports of the Pacific Marine Fisheries Commission (PMFC) by PMFC statistical units identical to those of INPFC.

4.3.2 Canada.

Canadian catch of principal groundfish by species including halibut and effort by gear type are reported in the Statistical Yearbook of the INPFC.

They are also reported in annual reports of the Pacific Marine Fisheries Commission (PMFC) by PMFC statistical units identical to those of INPFC, and in Technical Reports of the Fisheries Research Board of Canada by more precise areas.

4.3.3 Japan.

Since 1964 Japan has provided to the U.S., through INPFC, statistics on its Gulf of Alaska groundfish fisheries. This has been done on an annual basins, and the statistics consist of catch, effort, and size composition reported by statistical blocks of ½° latitude and 1° longitude, by month, by gear type, and by vessel size (tonnage). Catch is in metric tons and is given for the following species and species groups: turbot, other flatfishes, Pacific ocean perch, orange rockfish, other rockfish, sablefish, Pacific cod, pollock, other fishes and total catch.

Fishing effort is given in number of hours for their trawl fisheries and in 10 hachi units for their longline fisher (hachi is a basket of longline; each longline being about 75 meters in length on which 38-40 branchlines with hooks are attached at regular intervals).

4.3.4 U.S.S.R.

U.S.S.R. began providing statistics on their trawl fisheries in 1967 but only in terms of the broad area of the Gulf of Alaska. Catch was reported only for rockfish and "others." By 1973 their statistics were being given by INPFC areas, by month, by two general vessel classes (stern trawlers and side trawlers), by the following species and species groups:

Pacific ocean perch, other rockfish, Pacific halibut, Arrowtooth flounder (turbot), Greenland turbot, other flounders, Pollock, Cod, Sablefish, Atka mackerel, and misc. species.

In most recent years (1974 and 1975) effort has been reported by four units: number of hours trawled, number of trawl sets, number of days fished, and number of days on the grounds.

[11] Alaska Catch and Production Commercial Fisheries Statistics, State of Alaska, Department of Fish and Game.

U.S.S.R. has reported no information on size of fish taken in their fisheries.

4.3.5 Republic of Korea (ROK).

Prior to 1975 only scant catch data, based on small samples of the commercial fleet, were available from the ROK.

Recently, data in the INPFC format have been reported by ROK for its setline, trap, and trawl fisheries during 1975 and the first half of 1976.

Longline and trap fisheries catch and effort data are given by month and by tonnage class for the northeastern Pacific as a whole. There is a further breakdown of the catch and effort by statistical blocks (½° lat by 1° long) but by quarter rather than month and with no indication of tonnage class of vessels. Effort is expressed in number of operating vessels, operating days, and hooks or traps. Catch is reported for sablefish, Pacific ocean perch, and "others".

ROK trawl catch and effort data (number of operating days and hauls) are given by ½° lat and 1° long blocks on a monthly basis. Catch is reported by the following groundfish species and groups:

Pacific ocean perch, Halibuts, Flatfishes, Pollock, Cod, and Sablefish.

ROK has reported some information onthe size of fish taken in their fisheries, but samples were so small and were from such a broad area that they have little utility in status of stock or fishery impact analyses.

4.3.6 Poland.

After an exploratory cruise in the Gulf of Alaska in 1973 Poland began commercial operations in this region in 1974 and reported small catches of groundfish. Their 1975 statistics are more detailed that those for 1973 and 1974 with catch and effort (number of hours trawled) reported by both INPFC areas and ½° lat x 1° long blocks, by month, and vessel class. Catch is listed by species.

Poland has provided no information on the size of the fish taken in their Gulf of Alaska operations.

4.4 Research survey and sampling data.

Resource survey data on Gulf of Alaska groundfish can be placed in four categories: Trawl survey data, hydroacoustical survey data, biological data collected from the fishery, and itchyoplankton survey data. The most extensive set of data in terms of geographical and time coverage are those derived from research bottom trawl surveys and, in particular those surveys conducted by NMFS and IPHC. Some 20 NMFS groundfish surveys were conducted at various periods over the past 25 years (1953-1977) in Continental Shelf and inside waters of the Gulf of Alaska. Sampling was done in a standardized manner using commercial type bottom trawls. The following types of information were routinely collected: Kinds and amounts of groundfish caught; catch rates by species and species groups; and, biological data (size, age maturity, and individual weights) concerning the major species that were encountered. From this information estimates have been derived of biomass, age and size composition, relative strength of year classes, age and size at maturity, fecundity, mortality, growth rates, size of fish related to weight of fish, and seasonal and long term changes in resource availability by depth and area. A log book providing the location, date, depth, and catch composition at each trawl station for each survey has been compiled (NMFS, 1969) and periodically updated.

IPHC has trawl survey data that dates back to its Gulf-wide and seasonal surveys

of groundfish during 1961-1963. Data, by station, consist of catch by weight of species and in some instances size composition of dominant species in the catch. IPHC also has catch and biological information by station from its annual trawl surveys of juvenile halibut which cover the years 1967 to the present.

Catch and biological information are also available from Canadian research trawl surveys of Pacific ocean perch and other groundfish in the Gulf in 1961 to 1963 and in 1970.

Japan Fishery Agency (1971, 1972, 1974) provides catch and size data by station from Japanese trawl surveys in the western Gulf of Alaska in 1970 to 1972. Results from more recent surveys will be available in the future.

U.S.S.R. trawl survey data are rarely made available. Reports by U.S.S.R. on its research surveys contain results but provide very little specific station data (e.g. Lyubimova, 1961, 1963, 1964; Serobaba, 1976).

Several hydroacoustical surveys of groundfish have been carried out by U.S.S.R. and Canadian research vessels. The availability of the basic acoustical data is not known, although the general results have been reported (Westrheim, 1970; Serobaba, 1976).

Tagging data have been accumulated from studies directed principally on Pacific halibut and sablefish in order to understand the movements and stock structure of these species. Both Japan and IPHC have considerable data on the tagging and tag returns of halibut. Tagging studies on sablefish date back to the 1950's (Pruter, 1959), but at that time tagging was restricted to waters off Washington, Oregon, and California; some of those tagged fish were, however, recovered in the Gulf of Alaska. In 1971 NMFS initiated a cooperative sablefish tagging program in which the states of California and Oregon, the Pacific fisheries research arm of the U.S.S.R. (TINRO), and the Republic of Korea participated. The Northwest and Alaska Fisheries Center maintains a file of all tagging and tag return data pertaining to this program. Japan has also been active in the tagging of sablefish.

Sampling of the fisheries catch for biological information on principal groundfish has been done by Japan, IPHC, and the U.S. (NMFS). The data from Japan consists primarily of size composition and have been made available to U.S. scientists, through INPFC, since 1964. Japanese researchers also collect data on the age of specific groundfish species, such as Pacific ocean perch. IPHC observers have collected data on the size of and age of halibut in the North American setline fishery.

From 1964-69, U.S. observers were allowed to gather data on the incidence of halibut in the Japanese trawl fisheries of the Gulf. In the 1970's, the NMFS began an observer program in which U.S. researchers were placed onboard foreign vessels to collect information on the incidence of halibut and crab and biological and catch data on other groundfish. These data are compiled and readily accessible at the Northwest and Alaska Fisheries Center in Seattle.

Ichthyoplankton surveys have been conducted in the Gulf by NMFS, Japan, and U.S.S.R. The availability of the data from foreign surveys is not known.

4.5 Other (habitat).

The geomorphology of the eastern and western sides of the Gulf of Alaska varies markedly. The bottom topography in the eastern side of the Gulf of Alaska rises gently from 5,000 to 2,000 m, but sharply from 2,000 m to the edge of the Continental Shelf at 200 m; whereas, along the western side of the Gulf the bottom topography rises sharply directly from the bottom of the eastern end of the Aleutian Trench, at depths of 5,000 m, or more to the shelf edge. Further, although the general extent of the Continental Shelf is approximately 100-150 km and numerous troughs normal to the coast occur, islands and coastal embayments provide diverse environments. Northward of the winding channels of the Alexander Archipelago, seaward of which the shelf extends only 20-30 km, the shelf broadens to over 100 km from the coast. The extensive embayments of Prince William Sound and Cook Inlet increase with width on the shelf from 200 km to over 300 km at the northern and western side of the Gulf, respectively. Also at the western side of the Gulf, the Kodiak-Afognak island group separates the deep Shelikof Strait area along the Alaska Peninsula from the broad (100 km) shelf area to the east of the island group. General sediment types also vary: coarse clastics in the Alexander Archipelago; glacial fines, particularly from the Copper River, at the head of the Gulf; sands in Cook Inlet area; and, pebbly, gravelly sand, shell fragments and volcanics near Kodiak.

Circulation in the Gulf is cyclonic (counterclockwise) and locally wind-driven; thus, it is accelerated in winter as a result of the presence of the Aleutian low pressure system. Maximum velocities occur at the shelf break and speeds up to 100cm/sec (2 knots) occur at the surface in the western side of the Gulf. Although the cyclonic circulation at the edge of the Continental Shelf is subject to perturbations, the net flow is relatively constant because variable stresses are buffered within a large water column. However, in the coastal regime, bottom friction, tidal flow, and shallow depths result in a more complex less organized flow regime and numerous eddies, some of which may be of a quasi-permanent nature.

Winter intensification of winds that accelerates cyclonic flow also piles up water along the coast, and a compensatory flow of cold inshore surface water moves seaward at the bottom over the shelf. In spring, windstress is reduced and there is a net seaward flow at the surface that is accelerated by seaward discharges of snowmelt and river runoff; both phenomena result in extensive dilution of coastal waters in late spring and summer.

Although flow around the Gulf if cyclonic (anti-clockwise) and northward flow into the area brings unseasonably warm water along the coast from the southeast and from the oceanic regime from the southwest, water temperatures are largely dominated by seasonal effects. Winter overturn extends to depths of 100 m or more, resulting in extremely variable conditions in inshore areas where coastal surface temperatufes can vary from 0° or lower (depending on whether ice forms in winter) to approximately 12-15°C. Although the range of temperatures obviously decreases with depth, near the edge of the Continental Shelf a nearly constant temperature regime of 4-5°C occurs year round. Although this regime could influence spawning and feeding movements as well as guide extensive migrations such relations have not been investigated.

Highly productive areas must have a constant source of chemical nutrients which permits an extensive primary production of algae, which constitutes the base of the marine food web and governs the fate of all organisms higher in the food web. Nutrient replenishment to the surface layer occurs year round (although it is intensified in winter) in the central portion of the Gulf of Alaska gyre and at no time are the primary nutrients (phosphate, silicate, and nitrate) totally consumed, as they are in many other areas of the world's oceans. Thus, a very rich and abundant plankton community exists in the area, subject of course to natural biological cycles.

4.6 Quality of data.

4.6.1 Fisheries data.

Fisheries data should essentially include the catch by species and the quality and quantity of effective effort expended to take this catch; they should be provided for relatively precise geographical areas and time periods. In this way trends in catch and standardized catch-per-unit of effort (CPUE) can be monitored by precise time and area units and reliable inferences drawn concerning stock abundance. In addition, data on size and age of fish should be adequate to estimate size and age composition of the catch, by time and area. These basic fisheries data (catch, effective effort, age and size composition) provide much of the input for determining mortality rates, relative year class strength, changes in stock density, recruitment, and other population characteristics upon which the condition of stocks can be measured.

Japan provides very detailed statistics on her fisheries (see Section 4.3), but even these statistics are deficient in terms of fishing effort, age and size data, and completeness in reporting catches by species. The fishing power of the Japanese fleet has increased because of increases in vessel horsepower, improvements in fish detecting and harvesting gears, and experience acquired by the fishermen of the grounds. It may be extremely difficult and perhaps impossible to adjust the reported or nominal effort to reflect all these factors affecting fishing power. There is also the problem of determining what proportion of the total fishing effort was expended on each major species. Chikuni (1975) and Larkins (1974) addressed the problem of effective fishing effort on Pacific ocean perch, using quite different approaches (see Section 4.7.2).

Until recent years data on size composition of the principal species harvested by Japan were insufficient because of a lack of areal and seasonal coverage. No associated age data have accompanied the size information from Japan's fisheries or at least these data have not become available to U.S. investigators. There also remains a significant amount of Japan's groundfish catch consisting of unidentified species. In 1975 the unidentified catch amounted to 5,400 mt or 7 percent of Japan's total Gulf of Alaska groundfish catch.

The U.S.S.R. has had a very poor history of reporting on her fisheries of the Gulf of Alaska. During the years (1962-1967) when the Soviet fisheries dominated the Pacific ocean perch fisheries of the Gulf, and when their annual catches of this species often exceeded 150,000 mt, there was no record of fishing effort. There was also no breakdown of the catch by area nor were there any data on the age and size composition of the catch.

In 1973 U.S.S.R. began providing catch and effort statistics by major statistical areas with a further breakdown by month

But the same deficiencies as mentioned for the Japanese statistics apply to those of the U.S.S.R.—no means of adjusting their reported effort to effective effort, no way of relating catch of species to the effort expended to obtain that catch, inadequacy of age and size data, and the large amount of the Soviet catch reported as miscellaneous, i.e., unidentified species. In 1975 the catch of miscellaneous species amounted to 7,300 mt.

Because of the U.S. observer program more complete data on the species composition of catches and the age and size composition of major species are now being obtained from the Soviet and Japanese fisheries.

In the U.S. domestic fisheries the problem of the unrecorded and unidentified catch of bait fish as described in Section 3.2.1 needs to be resolved, as does the potential problem of unreported discards at sea of unwanted species or sizes.

4.6.2 Data from research vessel surveys.

In contrast to commercial fishery data, research vessel surveys provide an independent and less biased means of estimating the condition of groundfish stocks. The surveys are conducted in such a manner that estimates of age and size composition and other population characteristics can be obtained for the stock as a whole, whereas the fisheries may be concentrating on certain species or size of fish and in specific areas, and the data from such a fishery would reflect this bias. Since surveys can be done in a standardized manner CPUE from the surveys can be more meaningful than that from the fisheries for examining density changes by time and area. Furthermore, surveys of juvenile or prerecruit fish can best be done by means of research surveys, and such surveys are one of the few means by which predictions of incoming year class strengths can be obtained. There is also the relatively new approach of assessing stock size by acoustical sounding.

The deficiencies in existing survey data are: (1) lack or absence of estimates of the age and size composition of groundfish populations, excepting Pacific halibut prior to 1972. Some age and size data were collected in early surveys but, because of the lack of geographical coverage and the method of sampling, they cannot be used to estimate the size and age composition of populations. Beginning in 1972 NMFS sampling procedures were introduced to provide these estimates for pollock and other major populations; (2) insufficient assessment data on deep water stocks such as Pacific ocean perch and sablefish. Resource assessment surveys by NMFS Adequately covered most populations of the Continental Shelf, but relatively little sampling occurred in deeper water along the upper slope (150 to 450 fathoms) where perch, sablefish, and other groundfish populations sometimes concentrate. Canadian researchers (Westrheim, 1970) using the vessel, *G. B. Reed*, made extensive surveys of the ocean perch in the Gulf of Alaska in 1961-63 but because of the inability to trawl in rocky areas where perch also exist and because a certain unknown proportion of the perch are off the sea bottom and inaccessible to bottom trawling, the Canadians did not attempt to estimate the biomass of perch. NMFS is planning a two-prong approach of bottom trawling and acoustically assessing the perch and other rockfish of the Gulf in 1978. There is also the need to estimate the biomass and age composition of sablefish and deep water stocks of other groundfish of the Gulf of Alaska; (3) no assessment data on Atka mackerel. Although Soviet scientists have estimated the population size of this important resource in the western Gulf, a description of their methods and basic data have not been made available to U.S. biologists. No surveys of Atka mackerel have been done by the U.S.

4.6.3 Data to differentiate stocks.

Very little data of substance are available to separate the various stocks of Pacific ocean perch, sablefish, and other groundfish species of the Gulf of Alaska. Tagging and biochemical studies are two currently acceptable means of identifying subpopulations. Tagging studies require (1) the ability to capture viable fish for tagging, (2) strategic tagging of fish by area and time, (3) an extensive and intensive fishery to recover the tagged fish, and (4) fish which will retain the tag and will not suffer inordinate mortality from the tagging procedures or the tag. Tagging studies have been directed towards sablefish and Pacific halibut, but there may be a question as to whether tagging of these species has been strategically done in all instances; these fish apparently suffer no serious effects from being tagged. As for the third requirement, the sablefish fishery is extensive and intensive, and tagging results have indicated very little movement of adult fish between areas. With halibut, even though both the fishery and tagging efforts have occurred throughout the northeastern Pacific and eastern Bering Sea, tagging studies to differentiate stocks have not been conclusive.

Genetic separation of stocks through biochemical analyses appear promising and some limited studies have been done to differentiate subpopulations of Pacific ocean perch and other rockfish species (Johnson, et al, 1971; Tsuyuki, et al, 1968). Biochemical studies have the advantage that separation of stocks can be more precise than that obtained by tagging and other approaches.

4.6.4 Data on ecosystem.

Very little data are available concerning the interaction among groundfish populations, with the physical and biotic environment, or with the fisheries and other activities of man. Some environmental data (temperature and bottom type) have been gathered and associated with catches of certain species. Some analyses of stomach contents of major species have been done to better understand predator-prey relationships, but no tropho-dynamic scheme of energy flows between groundfish and other components in the ecosystem has been proposed. Research surveys may disclose long-term changes in population size, like the decrease in ocean perch and the corresponding increase in pollock over the past 10 to 15 years, but there are no data to determine whether the two events are related (i.e., that with the reduction of perch by the fisheries, the pollock benefited by increased food supplies). There is also a lack of data to explain and predict changes in year class strength or changes of distribution.

4.7 Current status of stocks.

By definition, maximum sustainable yield (MSY) is the largest average catch which can be taken from a stock over a reasonable period of years under current environmental conditions. This assumes an equilibrium in the population associated with a degree of stability in the environment during the time period considered. Even for such a time period neither the environment nor the dynamics of the population can be expected to be constant from year to year. The concept of MSY, therefore, is more applicable to longer-lived species in which variations in biomass are buffered by the presence of many year classes. Any long term stability in survival and recruitment even in these populations is probably exceptional. As a general rule, therefore, MSY cannot be directly applied as a goal or criterion for fisheries management without proper evaluation of real time indices of stock condition, such as current CPUE and age structure. In some instances, current environmental conditions may constrain population growth at levels far below historic levels of MSY. Under these circumstances the population can be considered to be approaching a lower level of equilibrium which may permit only a correspondingly low level of harvest. At this level and with current environmental constraints even the most drastic of management measures may not restore a stock to its former level or productivity. The present state of the science is inadequate to predict the capacity of environment for the production of fishery resources, ascertain with any certainty whether the depletion was a consequence of natural factors or overfishing, or to predict with confidence the consequences of remedial management action. The complicated interaction processes associated with the productivity of marine fish populations are not very well understood and even such fundamental assumptions as the association between stock size and recruitment strength which are implicit in manipulation of harvest to achieve MSY have not been verified or quantified. In fact, it is generally recognized by fisheries scientists that the existing theories and models pertaining to fishery resources management suffer some fundamental inadequacies, and concepts and theories must be developed to answer present and future management demands. Until such new concepts supercede the old, the latter can still serve as a useful basis for deriving management decisions, providing their limitations and underlying assumptions are recognized and evaluated with the best available information as required by Pub. L. 94-265. This is the philosophy and approach used throughout this plan.

In the case of stocks which are in virgin or near-virgin states, MSY may be estimated using the equation developed by Alverson and Pereyra (1969) and modified by Gulland (1969):

$$MSY = a\,M\,B_o$$

where

a=constant=0.4 (per Gulland; Alverson & Pereyra used 0.5)

M=instantaneous natural mortality rate

B_o = virgin biomass.

For pollock, Pacific cod, and flounder (except Pacific halibut) stocks in the Gulf of Alaska which have been relatively lightly fished, the Gulland (1969) procedure of estimating MSY was used. For Pacific ocean perch and sablefish, a large body of catch-effort information exists, and therefore MSY was estimated by the general production model (Schaefer 1954, Pella and Tomlinson 1969). For Pacific halibut, the International Pacific Halibut Commission has used a variety of techniques to estimate MSY including the Beverton and Holt (1957) model, since there is a good historical record of the fishery and an extensive research program. For stocks such as Atka mackerel and other species about which there is very little information, MSY levels

were derived empirically from whatever information was available.

In contrast to MSY, equilibrium yield (EY) is based on the best estimates of the current condition of stocks. It is the annual or seasonal harvest which theoretically will maintain a specific stock at approximately the same level of current abundance (apart from the effects of environmental variation) in succeeding seasons or years. In both under- and over-exploited stocks, EY is less than MSY. When, on the basis of CPUE trends, survey data or other information there is reason to believe that the abundance of a stock is below that required to produce MSY, EY is then the maximum production that can be sustained under current population conditions. To rebuild such stocks to more productive levels, the annual or seasonal catch level would have to be set below EY.

Estimates of MSY and EY or each groundfish species for species-group described below are shown in Table 58.

Table 58--The derivation of Optimum Yield (OY) for Gulf of Alaska groundfish resources, 1,000's mt.

	Species	Shumagin	Chirikof	Kodiak	Yakutat	Southeast	TOTAL
Exploitable biomass	Pollock	337-713	340-630	233-511	73-153	25-51	1058-2110
	Cod	40-79	17-33	64-128	18-36	5.9-12	145-288
	Flounders	220	69	277	154	52	772
	POP			-Unknown-			
	Rockfish			-Unknown-			
	Sablefish			-Unknown-			
	Atka mack.						(110)1/
	Squid						
MSY	Pollock						169-338
	Cod						34.8-69.1
	Flounders						67
	POP						125-150
	Rockfish						7.5-10
	Sablefish						22-25
	Atka mack.						(33)1/
	Squid						2.0
EY (When stock incapable of producing MSY)	Pollock						N/A
	Cod						N/A
	Flounders						N/A
	POP						50
	Rockfish						N/A
	Sablefish						17.4-19.8
	Atka mack.						N/A
	Squid						2.0
ABC	Pollock 2/	57.0	54.4	40.8	12.5	4.1	168.8
	Cod 2/	9.6	4.1	15.3	4.3	1.5	34.8
	Flounders 2/	20.8	5.7	23.9	12.5	4.1	67
	POP 3/	5.3	5.3	10.4	15.0	13.0	50
	Rockfish 3/	0.3	0.2	0.6	3.4	3.1	7.6
	Sablefish 3/	2.8	1.9	3.2	4.7	4.9	17.4
	Atka mack. 4/	4.4	3.6	15.8	1.0	0	24.8
	Squid 5/	0.4	0.4	0.4	0.4	0.4	2.0
	Others	4.3	3.6	5.0	2.0	1.1	16.2
OY	Pollock	57.0	54.4	40.8	12.5	4.1	168.8
	Cod	9.6	4.1	15.3	4.3	1.5	34.8
	Flounders	10.4	2.7	12.0	6.4	2.0	33.5
	POP	2.7	2.7	5.2	7.8	6.5	25.0
	Rockfish	0.3	0.2	0.6	3.4	3.1	7.6
	Sablefish	2.1	1.4	2.4	3.4	3.7	13.0
	Atka mack.	4.4	3.6	15.8	1.0	0	24.8
	Squid	0.4	0.4	0.4	0.4	0.4	2.0
	Others	4.4	3.6	5.0	2.4	1.1	16.2
	TOTAL	91.3	73.1	97.5	41.4	22.4	325.7

1/ From unsubstantiated report of Soviet scientists.
2/ Apportioned on basis of trawl survey data.
3/ Apportioned on basis of '73-'75 Japanese catch.
4/ Apportioned on basis of '73-'75 Soviet catch.
5/ Apportioned equally to each area.

4.7.1 Alaska pollock.

4.7.1.1 Maximum sustainable yield (MSY).

There is reason to believe that the population of this species in the Gulf of Alaska has been increasing both in distribution and abundance. During 1972-1975, the National Marine Fisheries Service conducted resource assessment surveys in this region from which first order approximations of standing stock and potential yield have been calculated (Alton, 1976).

Using the area-swept method, and assuming the catchability coefficient (c) to be between 0.5 and 1.0, exploitable biomass was estimated to be 1.1-2.1 million mt. Assuming natural mortality (M) to be 0.4 (M for pollock in the Bering Sea has been estimated by Japanese scientists to be 0.43), and applying the Gulland equation, a provisional estimate of MSY is 169,000-338,000 mt.

4.7.1.2 Equilibrium yield (EY).

Not applicable—MSY attainable.

4.7.2 Pacific Ocean perch.

4.7.2.1 Maximum sustainable yield (MSY).

Results of a recently concluded comparison of research vessel catch rates during cruises conducted in 1961-62 (prior to the development of the large foreign trawl fisheries in the area) and cruises conducted in 1975 indicate that the perch stocks in the central Gulf of Alaska are now no more than 20 percent of their virgin abundance (Hughes, et al, 1976). If this is representative of the region as a whole, perch abundance in the Gulf of Alaska will have to increase about 2½ times its current level to establish a stock size that would produce the potential MSY, which is estimated to be about 125,000 mt in the Preliminary Fishery Management Plan for the Trawl Fishery of the Gulf of Alaska for 1977 and 150,000 mt by Chikuni (1975).

4.7.2.2 Equilibrium yield (EY).

The Gulf of Alaska perch stock was virtually unutilized prior to 1960. With the entry into the region of Japanese and Soviet distant water trawlers in the early 1960's, however, the total catch in 1963 increased to 147,000 mt, reached a maximum of about 393,000 mt in 1965 and was in excess of 150,000 mt through 1968 (Chikuni, 1975).

There is consensus among fishery scientists of the U.S., Canada, U.S.S.R., and Japan that the Pacific ocean perch stocks of this region were severely overfished by these early fisheries and the stocks are now at relatively low levels of abundance (INPFC, 1975; Anon., 1974).

Status of stock studies have been based on yield per standing biomass analyses (Chikuni, 1975) and on CPUE trends related to stock production models (Larkins, 1974). All have clearly shown downward trends since the very early years of the fishery. U.S. scientists contend that the population has probably declined to a lower level than indicated by CPUE studies because effort has not been adequately adjusted to account for unquantifiable improvements in the fishing power of Japanese trawlers. In other words, an hour of trawling now represents a great deal more fishing power than an hour's trawling in 1966 because of larger engines and nets, improved hydroacoustic equipment and techniques for locating fish, extended search time, and experience on the part of the fishermen. When CPUE is based on catch per vessel-day rather than catch per hour, the downward trend is accentuated (Larkins, 1974).

This low level of abundance has remained relatively stable in recent years, and there are no signs of any strong year classes entering the fishery. United States scientists have noted in INPFC meetings that even though a reduction in the catch of Pacific ocean perch was attained in 1974, the downward trend in stock condition, as inferred from Japanese CPUE values, continued unabated. Therefore, on the basis of relations between catch and catch rates, it is believed that EY of Pacific ocean perch in the Gulf of Alaska under current conditions of stock abundance is about 50,000 mt.

4.7.3 Other rockfish.

4.7.3.1 Maximum substainable yield (MYS).

Little is known about the "Other Rockfish" species complex except that it is much less abundant than Pacific ocean perch and small concentrations of various species occur in localized areas. For 1973 through 1975 the annual foreign catch of rockfish other than Pacific ocean perch ranged from 7,600 to 10,200 mt. There is no evidence that catches of greater magnitude can be sustained. Therefore, until such evidence is available, MSY is considered equal to the range of recent catches, 7,600-10,200 mt.

4.7.3.2 Equilibrium yield (EY).

Not applicable—MSY attainable.

4.7.4 Flounders (other than halibut).

4.7.4.1 Maximum sustainable yield (MSY).

Based on NMFS groundfish assessment surveys in 1973 through 1975, the exploitable biomass of flounders (except halibut) on the continental shelf and upper slope region (8-190 fathoms) of the Gulf of Alaska is estimated to be 772,000 mt. For individual species and species groups, exploitable biomass is estimated to be: 304,000 mt for turbot; 205,000 mt for rock sole; 108,000 mt for flathead sole; and, 155,000 mt for the remaining flounder species combined. This entire complex has been subject to little fishery pressure relative to its apparent potential yield. MSY, using Gulland's (1969) equation and an estimate of instantaneous natural mortality rate of 0.2, except for rock sole (0.26), are: Turbot 24,300 mt; rock sole 21,300 mt; flathead sole 8,600 mt; and, other flounders combined 12,400 mt. For the flounder group as a whole (excluding halibut) the MSY is estimated to be 67,000 mt.

4.7.4.2 Equilibrium yield (EY).

Although MSY's for some flounder species have been estimated, it is more appropriate at this stage to manage the flounder resources as a group rather than by individual species. With present knowledge, it is assumed that any flounder fishery in the Gulf of Alaska will simultaneously capture a number of species and stocks, each of which will be fished at a different rate. Until geographical and seasonal patterns and rates of fishing on these individual flounder stocks become better known, EY will be considered only for the flounders as a group. Since this group has been only lightly exploited, MSY is attainable.

4.7.5 Pacific halibut.

4.7.5.1 Maximum sustainable yield (MSY).

Chapman, Myhre, and Southward (1962) estimated the MSY of Pacific halibut at 19,400 mt (14,550 mt dressed weight) in IPHC Area 2 (Southeastern-Vancouver) and 21,800 mt (16,350 mt dressed weight) in IPHC Area 3 (Shumagin-Yakutat), or 41,200 mt for the entire northeastern Pacific Ocean.

4.7.5.2 Equilibrium yield (EY).

After reaching a peak in the late 1950's and early 1960's, halibut stocks have declined sharply and are at a level of about a third of that required to produce MSY. The North American halibut fishery has been severely restricted in an attempt to improve stock abundance, but reductions in the domestic catch limit were partially offset by the increased incidental catch by foreign trawl fleets. Unfavorable natural conditions may have also contributed to the declined of the halibut stocks.

The International Pacific Halibut Commission now estimates EY for halibut at about 12,000 mt (9,000 mt dressed weight) for the entire northeast Pacific: 6,000 mt (4,500 mt dressed weight) in IPHC Area 2 (includes British Columbia) and an equal amount in IPHC Area 3.

4.7.6 Sablefish.

4.7.6.1 Maximum sustainable yield (MSY).

Applying the general production model (Pella and Tomlinson, 1969) the MSY for sablefish stocks in the Gulf of Alaska is estimated to be 22,000-25,000 mt (Low, 1976). The upper limit of this range was exceeded in 1972 and 1973; with the development of an ROK longline fishery in 1975 and 1976, MSY was probably exceeded in those years as well.

4.7.6.2 Equilibrium yield (EY).

After several years of relative stability in catch per skate, this standard measure of CPUE declined during the early 1970's in all areas of the Gulf of Alaska—Gulf-wide, the decline was about 30 percent from 1970 to 1975. Although this indicator increased 12 percent from 1975 to 1976, it was still 21 percent below the 1970 value.

If by 1970 (after seven years of development in this fishery, with total removals in excess of 55,000 mt) Gulf of Alaska sablefish were near the abundance level which would produce MSY, then on the basis of catch per skate data maximum equilibrium yield in 1976 was 21 percent below MSY, or 17,400-19,800 mt. Considering, however, the incrasing experience of foreign fishermen and technological improvements in gear and vessels (e.g. hook size and spacing, bait, soak time, positioning equipment) catch per skate is likely to decline more slowly than stock abundance. In fact, catch per boat-day (based on reported catch and U.S. surveillance observations), apparently decline 50 percent from 1971 to 1976. Differences in the magnitude of decline in these two CPUE values are not currently reconcilable.

The fact that a unit of longline gear has relatively small catch potential before it is saturated introduces another possible source of bias when using its CPUE to estimate abundace trends. In this situation, abundance could decrease for some time before it reaches the gear saturation threshold and begins to affect CPUE.

Therefore, the 17,400-19,800 mt estimate of EY based on catch per skate must be viewed as optimistic and qualifed with catch per boat-day and gear saturation factors.

4.7.7 Pacific cod.

4.7.7.1 Maximum sustainable yield (MSY).

Prior to mid-1977, insufficient data and analysis were available for estimating abundance or sustained yield. Accordingly, the TAC for cod contained in the PMP for 1977 was based only on past catches. New data from and analyses based on NMFS resources assessment surveys indicates a much larger abundance and potential yield than previously thought. Recent catch levels have only been a small fraction of MSY and information shows evidence of a biomass

that could support substantially higher catches.

Therefore, on the basis of recent survey data (Table 58) and assuming that natural mortality (M) is 0.6, the MSY of Pacific cod is estimated by the Gulland (1969) equation to be 34,800 to 69,120 mt. Information concerning this species in other regions indicates that large natural fluctuations in recruitment (hence abundance) might be expected.

4.7.7.2 Equilibrium yield (EY).

Not applicable—MSY attainable.

4.7.8 Atka mackerel.

4.7.8.1 Maximum sustainable yield (MSY).

Soviet hydroacoustic surveys in the Aleutian area in recent years found eight concentrations of Atka mackerel with an estimated biomass of 110,000 mt. Trawl surveys indicate at least as large a biomass in the Gulf of Alaska. The predominant sizes of fish available to trawls were greater than 30 cm, which are mature fish older than 3–4 years. On the basis of analyses of biological characteristics, Soviet scientists believe that 30 percent of the adult stock can safely be harvested. Accordingly (and tentatively), MSY for Atka mackerel in the Gulf of Alaska is set at 33,000 mt.

4.7.8.2 Equilibrium yield (EY).

Not applicable—MSY attainable.

4.7.9 Squid.

4.7.9.1 Maximum sustainable yield (MSY).

Although no published documentation or current research findings dealing with squid abundance or potential yield are available, incidental catches by commercial fishing and research vessels, and the incidence of squid in the stomachs of fish and marine mammals indicate a large standing stock. MSY is intuitively believed to be greater than 2,000 mt.

4.7.9.2 Equilibrium yield (EY).

Not applicable—MSY attainable.

4.7.10 Other species—MSY = 16,200 mt.

Very little is known about the distribution and abundance of the species of fish referred to as "other species." However, based on the best scientific evidence available derived from past performances of foreign fishing vessels, the MSY for "other species" is estimated at 16,200 mt.

4.8 Estimate of future stock conditions.

With the exception of Pacific ocean perch, Pacific halibut, and sablefish all other groundfish species in the Gulf of Alaska are believed to be at levels of abundance equal to or greater than those that would produce MSY. The management regime described in Section 8.0 is disigned to keep those healthy stocks somewhat above the level of abundance required for MSY, while providing sufficient relief to halibut, ocean perch, and sablefish so that their stocks can begin rebuilding.

In addition, there is no evidence of natural phenomena that could be expected to cause either serious biological or socio-economic consequences, although the possibility of undetected year class failures, declines in growth rate, or other adverse symptoms cannot be completely discounted. On the other hand, unforseen enhancements of stock condition are equally likely.

With the implementation of this plan, the short-term outlook for stock conditions is good.

In the context of longer-term concern, there is reason (mostly circumstantial) to believe that the Gulf of Alaska ecosystem has changed sugnificantly over the last decade—Pacific ocean perch, which had been the dominant groundfish form, is no longer so, but pollock and Atka mackerel populations appear to have inreased greatly in abundance and in distribution. If there is a relationship between these trends (and such a relationship is only conjectural at this point) the strictest of measures may not result in a resurgence of perch abundance, or, if they do it may be at the expense of pollock, cod or other species.

In summary, it is clear that the groundfish complex has not been stable over the recent past and the combination of increased exploitation (although confined to individual species' OY's) and the unpredictable vagaries of environment may result in a subtle but continuing period of instability.

4.9 Future research needs.

Refinement of abundance estimates and biological attributes are necessary for all species, as is the need to determine stock composition. Research activity information and analyses of fishery performance (as indicated by the fisheries statistics required by Section 8.5) which will give continual updates of the biological data bases and the fishery, should satisfy most of these needs. A special effort is needed, however, to assess the sablefish population and stocks of other deep-water species not covered in past or planned research survey. A special survey of the rockfish community (scheduled for 1977) and Soviet research data concerning Atka mackerel (if made available for evaluation by U.S. scientists) should satisfy immediate management needs for these species.

A very critical area of research is that of defining the time-space associations between halibut and other groundfish species. Until precise halibut/other groundfish distribution patterns are known, full utilization of the groundfish complex may, through incidental trawl catch mortality, lead to even further deterioration in the halibut population. The on-going program of placing observers on foreign trawlers, along with a proposed program of at-sea sompling of the domestic trawl fishery, should provide a substantial body of information bearing on this problem. Integration of that information with data from past and future resource survey cruises hopefully will lead to development of a management strategy that will maximize the potential for achieving optimum yields for most species while reducing to an acceptable level incidental halibut mortality. However, should this study show that halibut protection and near-achievement of optimum yields of other groundfishes are mutually exclusive, a bioeconomic evaluation of the consequences of favoring halibut protection or other groundfish production should commence immediately and be far enough along by mid-1978 to provide definitive input to the 1979 fishery management plan.

5.0 Catch and capacity descriptors.

5.1 Foreign.

There is a need for indices to measure and monitor the harvest efficiencies of foreign and domestic fisheries. Besides their potential use in evaluating fleet capacities and optimum yields, such indices would be helpful in planning adequate levels of U.S. surveillance and observer efforts because they would permit estimating ahead of time the number of vessel days and man days which would need to be expended by a foreign nation to obtain its allowable catch. In this regard, they could provide a check on the reasonableness of the number of vessel permits requested by foreign nations. They could also serve as indicators of year-to-year changes in stock density, to supplement more traditionally used measures such as the catch-per-hour of trawling.

A preliminary analysis has been made by NMFS of some efficiency aspects of the foreign fisheries occurring off Alaska. The data used in the analysis has been gleaned from many sources because most are not now regularly reported directly by foreign nations. The derived indices of efficiency should be viewed only as precursors of what will be obtained when more complete and accurate statistics are provided to the U.S. by foreign nations. The catches used in the analysis are from official reports provided to the U.S. by Japan and the U.S.S.R. However, they have been pooled for all waters off Alaska (Bering Sea, Aleutians, and Gulf of Alaska), to compensate for known and suspected errors in reporting of catches between areas. The number of vessel days are from observations by NMFS law enforcement personnel. Most of the vessel sizes and crew sizes used in the analysis are from reports by NMFS observers and law enforcement personnel, plus what could be determined from a variety of published and unpublished sources.

Indices of harvest efficiencies that have been calculated for Japan and the U.S.S.R. are the catches in metric tons per vessel day, per vessel-ton-day and per-man-day (Table 59). For Japan it also was possible to calculate the dollar values for each of these units of effort (Table 60). These and other kinds of indices can be used to evaluate year-to-year changes in the efficiency of a particular fishery or to compare the efficiency of similar fisheries carried out by different nations. Japan's North Pacific Trawl Fishery and the Soviet factory trawl fishery are comparable in terms of the general size and layout of vessels employed and the species sought; the indices of these two fisheries are underlined in Table 59 to facilitate visual comparison between them.

The indices shown in Tables 59 and 60 provide information on different aspects of productivity. The catch-per-vessel day is a useful measure of year-to-year changes in vessel productivity as long as the size of vessels employed in the fishery remains relatively constant. Unfortunately, this situation of constancy seldom occurs and in such cases the catch-per-ton day is a better index of vessel productivity. The catch-per-man day is an index of year-to-year changes in labor productivity within a given fishery or it may be used to compare labor productivity between different fisheries. The monetary value of a given catch is not the same for all fisheries because each fishery targets upon different species which may be processed into products of different value. In recognition of this fact, indices of the value of the catches per unit of vessel and man effort are shown in Table 60 for Japan's fisheries in 1971–1974 to supplement the indices of weight of catches provided in Table 59. Information was not available to calculate indices for the value of the Soviet catches.

Table 59 - Catch in metric tons per vessel day, per vessel-ton-day, and per-man-day for groundfish and herring fisheries by Japan off Alaska in 1971-1974 and by the USSR in 1971-1975. Figures shown are for the combined areas--Eastern Bering Sea, Aleutians, and Gulf of Alaska--and for days on the fishing grounds observed by NMFS law enforcement personnel.

	Metric Tons		
	Vessel Day	Vessel-Ton-Day	Man Day
JAPAN			
1971			
Mothership Fishery			
Motherships	846		1.85
Catcher Vessels	53	0.25	3.11
Total			1.16
North Pacific Trawl	52		0.72
Longline/Gillnet	13		0.43
1972			
Mothership Fishery			
Motherships	847		1.78
Catcher Vessels	51	0.25	3.00
Total			1.12
North Pacific Trawl	54		0.72
Longline/Gillnet	12		0.42
1973			
Mothership Fishery			
Motherships	797		1.71
Catcher Vessels	48	0.26	2.91
Total			1.07
North Pacific Trawl	65		0.81
Longline/Gillnet	10		0.32
1974			
Mothership Fishery			
Motherships	703	0.07	1.90
Catcher Vessels	44	0.21	2.96
Total			1.16
North Pacific Trawl	47	0.02	0.56
Longline/Gillnet	8	0.02	0.26
1975 - Not Available			
Mothership Fishery			
Motherships			
Catcher Vessels			
Total			
North Pacific Trawl			
Longline/Gillnet			

	Metric Tons		
	Vessel Day	Vessel-Ton-Day	Man Day
USSR			
1971			
Factory Trawl	42	0.01	0.47
Side Trawl	11		0.39
1972			
Factory Trawl	52	0.02	0.58
Side Trawl	16		0.55
1973			
Factory Trawl	45	0.01	0.50
Side Trawl	Not Available		
1974			
Factory Trawl	51	0.02	0.57
Side Trawl	13	0.02	0.46
1975			
Factory Trawl	33	0.01	0.36
Side Trawl	17	0.02	0.56

Table60--Landed (ex-vessel) value of catch per vessel-day and man-day for groundfish and herring fisheries carried out by Japan off Alaska, 1971-1974.

	Value of Catch in U.S. Dollars	
	Vessel Day	Man Day
1971		
Mothership Fishery		85.63
North Pacific Trawl Fishery	5,029	69.85
Longline/Gillnet Fishery	4,961	165.38
1972		
Mothership Fishery		88.71
North Pacific Trawl Fishery	6,976	91.79
Longline/Gillnet Fishery	8,734	124.48
1973		
Mothership Fishery		113.07
North Pacific Trawl Fishery	12,368	154.60
Longline/Gillnet Fishery	7,221	240.69
1974		
Mothership Fishery		132.97
North Pacific Trawl Fishery	9,165	110.42
Longline/Gillnet Fishery	7,351	245.05

Factory ships, refrigerator transports, tugs, etc., are employed by Japan and the U.S.S.R. in support of their fishing operations. The vessel days and man days expended in the support activities should be included in the calculation of productivity indices but it was not possible to do so here. However, it is known that the man-days of effort expended by the Soviets on support activities is higher than that expended by Japan for similar fisheries (Pruter 1976). If it had been possible to include the effort expended by Japan and the U.S.S.R. on support activities, the relative efficiency of Japanese fisheries over Soviet fisheries would be even greater than suggested by the indices in Tables 59 and 60.

Another factor which supports the conclusion that the Japanese fisheries are more efficient than their Soviet counterparts is that the Japanese catches are generally processed into more finished products. For a given catch, the Japanese products, therefore, would be of higher value than the Soviet products, if they were sold in free competition with each other. Allowing for this factor further increases the efficiency of Japanese operations compared to Soviet operations.

5.2 Domestic.

5.2.1 Domestic annual capacity (DAC).

In an effort to obtain an estimate of the annual capacity of the domestic operations in the Gulf of Alaska, officials of fifteen companies were contacted. The companies represented by the officials interviewed have processing plants in 27 locations on the Gulf of Alaska. The sample is not complete, and is not represented as such; however, it does provide a measure of the latent capacity available for catching and harvesting the fishery resources of the Gulf without the necessity for the capital investment required to start up from ground zero.

Total capacity has been considered as an aggregate of the capability for harvesting, handling, freezing, and holding. Each has been treated separately in this section.

5.2.1.1 Harvesting capacity.

The estimates of domestic capacity to harvest groundfish in the Gulf is the most difficult to determine. With the exception of the longline fisheries, there has been little or no domestic effort involving groundfish that remotely resembles the foreign effort from the standpoint of target species, vessel type or fishing technique.

In an analysis of the vessels utilized in the Alaska shellfish fishery, the University of Washington Sea Grant Program (NORFISH) [12] classified the vessels in groups in accordance with their capability to trawl, among other things, taking into consideration such things as horsepower and hull type. In making the estimation of domestic harvesting capacity, the NORFISH report was used as the basis, with adjustments made in average hold capacity in the combination crabber-trawler group—the group used—as a result of information from initial shellfish research group sessions held by the Alaska Commercial Fisheries Entry Commission (ACFEC) as part of a contract with NMFS to establish a bio-economic data base. The hold capacity of 165 vessels in the combination crabber-trawler class at the time (1974) the fleet was surveyed, was 25,376,000 pounds based on 40 pounds of iced shrimp or fish per cubic foot of hold space. The classification of the vessels in the combination group appears in the following table.

Obviously, 1974 data is obsolete, especially since the recent addition of a number of new combination vessels in the 130 feet class. Also, the carrying capacity of the vessels is just one measure of fishing capacity.

In much of the planning done for calculating the catching capacity to provide product for new enterprises, a five-day turnaround and an average of 200 days at sea per year have been assumed. Assuming that each vessel could catch its hold capacity each trip, then (200 ÷ 5) × 25,376,000 = 1,015,040,000 pounds or an annual catching capacity of 460,589 mt.

Since it is not realistic to assume that vessels will be filled to capacity each trip, or that weather will permit all vessels to fish the total time they are available, the estimate of harvesting capacity has been adjusted downward in an attempt to more accurately reflect the actual capacity.

If it is assumed that a vessel is able to fish sixty percent of the time it is available due to run time and weather, and catches average 20 mt per day (an estimated rate that appears realistic) throughout the fleet, then 165 vessels × 120 fishing days × 20 mt = 396,000 mt. The determination of whether or not the foregoing estimates are reasonable must wait for experience in the fishery. In any case, it appears that there is adequate fishing power to satisfy the near future plans of the industry.

[12] NORFISH, NR26, Technical Report 61, University of Washington Sea Grant, August 5, 1976. Classification Enumeration, and Vessel Characteristics of Alaskan Shellfish Vessels.

NORFISH Class	Number of Vessels	Length Group (feet)	$\bar{x}$ Hold Volume (cu. ft.)	Capacity 40 lbs. X Vol. (pounds)	Group Total (pounds)
8.1	23	59.1-70	2800	112,000	2,576,000
8.2	70	70.1-82	3000	120,000	8,400,000
8.3	31	82.1-90	3500	140,000	4,340,000
8.4	28	90.1-100	5500	220,000	6,160,000
8.5	13	100.1-120	7500	300,000	3,900,000
	165				25,376,000

The capacity of the domestic longline fleet is discussed in Section 3.2.1.

5.2.1.2 Processing capacity.

The processors provided information on the amount of raw product that could be processed during a shift in the off season, when other species were not being delivered, and in the peak season for other fisheries.

As with the estimate of harvesting capacity, an estimate of processing capacity lacks the precision of experience. Part of the shift capacity information was obtained from processors involved in groundfish processing, and a number of the estimates were based either on shellfish processing experience or daily freezing capacity. The responses from the industry indicated a shift capacity of 966 mt per day for the 19 plants for which data and estimates were given. The capacity would be reduced by 255 mt per day to process groundfish during the peak of the season for other species such as king crab, halibut, salmon.

It is estimated that plants actively operate 250 days a year after down time, and idle periods caused by weather or product avaliability are considered. If it is assumed that the plants are processing species other than groundfish for 60 percent of their operation, and therefore would have a daily capacity for groundfish of 711 mt tons for 150 days, then they would be able to operate for 100 days at 966 mt. The annual processing capacity for those plants for which information was obtained would be: (150 x 711 mt)+(100 x 966 mt) or 106,650 mt+96,000 mt=203,250 mt.

An expanded survey should indicate substantially more capacity, because several major processing companies were not represented in the information available at this time.

5.2.1.3 Freezing capacity.

The daily freezing capacity for the nineteen plants was obtained for peak (when other species are being handled) and off-season. The off-season capacity of the plants is 1,254 mt, with a reduction of only about 90 mt during the peak season. It was indicated by several processors that within limits, the constraint on production is usually caused by difficulties in maintaining a good work force rather than the physical capacity of the plant. Assuming 250 days of operation, with 150 days at 1,164 mt and 100 days at 1,254 mt, an annual freezing capacity of (150 x 1,164 mt)+(100 x 1,254 mt)=300,000 mt is indicated. When a complete survey of the industry can be conducted, a substantial increase should result.

5.2.1.4 Holding capacity.

The survey indicated a plant holding capacity of 11,386 mt. The holding capacity of several major processing plants is quite small compared to their daily freezing capacity. This is because in recent years, rather than invest the capital to hold large quantities of product, the industry utilizes freezer vans, which the transportation companies rotate on a regular time table. This keeps the product moving steadily to the markets, and precludes the necessity of warehousing at the plant.

5.2.2 Expected domestic annual harvest (DAH).

Estimates of the domestic capacity to physically take and process Gulf of Alaska groundfish indicate that a capacity exists to account for a substantial portion of the total Gulf OY. However, due to market conditions, among other things, the relationship between the total domestic capacity to catch, process and hold groundfish has little

relationship to the expected harvest and processing by domestic industry of a number of the groundfish species in the Gulf of Alaska during 1978.

In order to ascertain just how much of the total domestic capacity would be utilized in 1978, the industry representatives were asked to furnish their projections for moving into the groundfish fisheries. Although considerable planning has been done to established joint ventures or contacts for foreign processing ships to purchase raw fish directly from U.S. fishing vessels, this form of domestic utilization will not be allowed during the first six months of 1978 in order to provide the manpower opportunity for expansion of shore-based processing facilities. The expected domestic annual harvest for 1978, therefore, has been considered only from the standpoint of deliveries to domestic processing plants.

5.2.2.1 Delivered to U.S. processors.

While most U.S. processors interviewed indicated an intense interest in developing a fishery for Gulf groundfish, market conditions apparently will have to improve before such a venture can be practical. Of the 16 processing companies involved in the survey taken, 8 indicated that they were making plans to develop processing capacity and techniques in 1978. These companies plan to develop capacity in 16 plants in the Gulf. The total expected harvest for 1978 is 44,500 mt, with the individual species DAH's as shown in Table 61.

The estimates are based on a variety of approaches to development, from sample lots for testing the market and obtaining experience to substantial plant commitments (22 million pounds for one company). In any case, U.S. industry is showing an intense interest in the opportunities presented by the FMCA of 1976.

The DAH of each species has for conservation reasons been apportioned to individual statistical areas (table 64).

5.2.2.2 Delivered to foreign factory ships.

Delivery of U.S.-caught groundfish to foreign processing vessels will not be permitted during at least the first 6 months of 1978. If such arrangements are allowed later in the year, the DAH will be raised as necessary by reallocation from the reserve.

TABLE 61.—*Expected domestic annual harvest (DAH) of groundfish from the Gulf of Alaska in 1978*

Species	Metric tons
Pollock	14,200
Cod	15,500
Flounders	7,200
Pacific Ocean perch	1,100
Other rockfishes	2,000
Sablefish	4,000
Atka mackerel	.....
Squid	.....
Other species	500
Total	44,500

6.0 Optimum yield concept.

The departure from maximum sustained yield (MSY) to optimum yield (OY) will be accomplished through the following steps (see section 2.2 for definitions): (1) Maximum sustainable yield (MSY) or current equilibrium yield (EY) to allowable biological catch (ABC); (2) ABC to OY. OY will be apportioned to statistical areas (figure 1) on the basis of biomass (when available) or recent catch proportionalities (tables 63 and 64).

6.1 Departure from MSY to ABC for biological reasons.

Of the nine species or species categories[13] which support the Gulf of Alaska groundfish fishery, MSY and EY were evaluated for eight in section 4.7; MSY and EY do not apply to the ninth category—"Other Species." Only Pacific ocean perch and sablefish are incapable of producing MSY.

In determining ABC, an appraisal of the biological data base indicates a degree of incompleteness that warrants a conservative approach to exploitation. Until there is evidence to support a contention that higher yields can be sustained, only catch levels which are equal to or less than the low end of the MSY/EY ranges can be considered relatively free from risk of overexploitation (this concept acknowledges the possibility of underexploitation but, in the biological sense, overexploitation can lead to reduced abundance or even ecosystem imbalance that might prevail for years while underexploitation leaves the resource base in a healthy condition, need only have a temporary effect on user groups, and, to some extent, the temporary loss to the users can be made up the following year).

Accordingly, ABC's for pollock, cod, flounders, squid, and rockfish (other than ocean perch), are considered equal to the low end of the MSY range (Table 58). The only estimate of MSY/EY for Atka mackerel is from a recent report of unsubstantiated Soviet research findings. Until those findings can be verified, ABC for that species should be no more than 75 percent of the reported EY (table 58), again preferring the risk of short term underexploitation to the risk of long term effects of overharvest. This value (24,800 mt) is near the 1975-76 average catch of 24,200 mt and will not result in a decrease in production.

Concerning sablefish, inasmuch as the most optimistic estimate of EY is 21 percent below MSY, ABC will be set below 17,400 mt (the low end of the EY range) to allow rebuilding to occur.

With regard to "Other Species," the concept of a phased reduction in the allowed catch of this category to force more accurate reporting of catch by species remains valid. As described in the preliminary fishery management plan for the Gulf of Alaska trawl fishery this will be accomplished by reducing the allowed catch of this category by 10 percent per year after 1978. ABC for "Other Species" in 1978 is set equal to the 1977 total allowable catch of this category, or 16,200 mt (table 58), with the expectation that a 10 percent annual reduction in the allowable catch will begin in 1979.

A final ABC consideration is that little is known concerning specific stock units for the Gulf of Alaska groundfish populations. If any of those populations are composed of more than a single stock unit, removals which are disproportionate to individual stock abundances would lead to localized over- and under-exploitation. As a first step toward mitigating this potential problem, and until more information on stock identity and distribution is available, ABC for each species will be apportioned to the five individual major statistical areas (table 58). This will be done in proportion to the biomass in each area, where known, or in proportion to recent catch patterns which presumably reflect the abundance in each area relative to the others.

6.2 Departure from ABC for socioeconomic reasons.

When the foreign fisheries began operating in the eastern Bering Sea and the Gulf of Alaska in the early 1960's, the groundfish resources (excepting Pacific halibut) were in their virgin state. The accumulated stock associated with an unexploited population provided high catch rates—theoretically about twice that expected in a fully developed fishery—which undoubtedly helped foreign fishermen to offset the costs of fishery development.

Should those fisheries, which are still dominated by foreign fishermen, be managed in a manner that maximized physical yield (i.e., MSY or ABC), the domestic fishery will be forced to begin its development not only in competition with foreign fishermen who have more than 10 years of experience on the grounds and who have a substantial, if not predominant, effect on both the international and domestic market, but with the depressed catch rates that result from heavy exploitation. On the other hand, severe curtailment of the foreign fisheries during the period of domestic fishery development is likely to result in a diminished supply of groundfish to the domestic market and higher prices to the American consumer.

Data bearing on the socio-economic effect of either extreme are not available because of a virtual absence of domestic participation in the fishery; it seems clear, however, that neither extreme would satisfy that portion of the definition of "Optimum Yield" which deals with " * * * the greatest overall benefit to the nation * * *.

Given this lack of data, but recognizing that the ABC for each species was set in a manner intended to assure maintenance of healthy stocks (except for Pacific ocean perch and sablefish which are currently in a depressed state), optimum yields—with three exceptions—are considered equal to ABC. The exceptions—Pacific ocean perch, flounders, and sablefish—are described below.

Pacific ocean perch. Current EY for this species is believed to be about 50,000 mt, or only 33-40 percent of MSY. To rebuild the stock(s) to a level that would again produce MSY will require that catch be held below EY; the greater the difference between catch and EY, the shorter the rebuilding period. As a compromise between a moratorium on perch fishing (giving the shortest period of rebuilding) and allowing catch to equal EY (in which case no rebuilding would occur), OY is set midway between the extremes—25,000 mt.

Flounders. ABC for this species complex was determined to be about 67,000 mt, more than twice the highest catch of record. Several of the flounder species are known to have a geographic and bathymetric distributional pattern that is similar to that of halibut, leading to the concern that a gross increase in flounder production would, through a commensurate increase in incidental catch (and mortality) of halibut, negate other conservation measures designed to grant additional halibut protection. In very simple economic terms and assuming that prices remain stable, the MSY of flounders at $0.10/pound ex-vessel has a total annual value of $14.8 million; the MSY of halibut in the Gulf of Alaska at about $1 (round weight) ex-vessel, has a total annual

[13] Excluding halibut, the management of which in 1978 is vested with IPHC.

value of some $70 million. Considering the disparity in potential value and the fact that the domestic fishery for halibut is fully developed and facing a current crisis, while the flounder fishery has operated at a very low level with its full domestic potential not expected to develop until some time in the future, optimum yield for flounders is set at 50 percent of ABC—33,500 mt. This level will still allow an expansion of the flounder fishery during which its impact on halibut can be evaluated.

Sablefish. Because this species is of special importance in the development of a domestic groundfish fishery in the Gulf of Alaska, OY has been set at a level that: (1) Will allow rebuilding to MSY within a minimum time frame; (2) takes account of recent reports of U.S. fishermen of a scarcity of sablefish on the traditional fishing grounds of Southeast (in both inside and outside waters; and (3) reflects concern over the Japanese catch per boat-day trend which has declined much more sharply than the catch per skate indicator and used to estimate EY. Accordingly, OY for this species in 1978 is 13,000 mt.

6.3 Optimum yield (OY).

Optimum yield for the groundfish species and species groups of the Gulf of Alaska (except halibut) are shown in tables 58, 62, and 64. Optimum yield for halibut in 1978 will be determined by the International Pacific Halibut Commission.

7.0 Foreign allowable catch (FAC).

U.S. fishermen will have reserved for their use during 1978 any amount of any species, up to the optimum yield, based on credible projections of catch as of September 1977. The optimum yield (OY) of any species may not, for any reason, be exceeded by the all-nation fishery.

Optimum yields for each groundfish species or species group in the Gulf of Alaska are shown in table 58; expected domestic annual harvest (DAH) projections are shown in table 61. The foreign allowable catch (FAC) will be determined and applied as described below.

Because: (1) Growth of the domestic groundfish fishery cannot be accurately forecast; (2) constraints against growth of the domestic fishery up to the level of optimum yield are contrary to the intent of Pub. L. 94-265; (3) optimum yield should neither be exceeded nor should it go unrealized; and (4) recognizing that domestic fishermen are often restricted in their activity during a season, it is, therefore, not unreasonable to make in-season amendments to measures applying to foreign fishermen, FAC will be set in a manner so as to allow in-season adjustments between foreign and domestic fisheries. Such adjustments will be dictated by domestic fishery performance and will be accomplished as follows:

The initial FAC of each species for 1978 will equal DAH subtracted from 80 percent of OY: FAC=(0.8 OY)−DAH. The remaining 20 percent of the OY will be apportioned to foreign or domestic fisheries, as the season progresses, on the basis of continuing reappraisals of DAH. The Gulf-wide schedule of OY/reserve/DAH/FAC is given in table 62. FAC and reserve has also been apportioned to individual statistical areas (table 64).

This accommodates, initially, a conservative appraisal of DAH (and less risk of loss of credibility) because up to 20 percent of the OY for each species could later be added to the U.S. "share."

Table 62 -- Derivation of foreign allowable catch (FAC) 1/ for Gulf of Alaska groundfish (1000's mt)

Species	OY	Reserve	DAH	FAC 1/
Pollock	168.8	33.8	14.2	120.8
Cod	34.8	7.0	15.5	12.3 2/
Flounders	33.5	6.7	7.2	19.6
Pacific ocean perch	25.0	4.9	1.1	19.0
Other Rockfishes	7.6	1.5	2.0	4.1
Sablefish	13.0	2.6	4.0	6.4
Atka mackerel	24.8	5.0	0	19.3
Squid	2.0	0.4	0	1.6
Other species	16.2	3.2	0.5	12.5
Totals	325.7	65.1	44.5	216.1

1/ Initial FAC; may be increased as reserve is apportioned during year.

2/ The area landward of the 500 m isobath and west of 157 degrees West longitude is designated as a longline fishery for Pacific cod. The maximum allowable foreign catch (including the 20 percent reserve) for the area would be 6,233 mt.

Table 63 -- Percentage of OY apportioned to each major statistical area (based on values in Table 53)

	Shumagin	Chirikof	Kodiak	Yakutat	Southeast	Tot
	(%)					
Pollock	33.8	32.2	24.2	7.4	2.4	10
Cod	27.6	11.8 1/	44.1	12.3	4.2	100
Flounders	31.0	8.0	36.0	19.0	6.0	100
POP	10.8	10.8	20.7	31.9	25.9	100
Other rockfish	4.0	3.0	8.0	45.0	41.0	100
Sablefish	15.9	10.9	18.2	26.8	28.2	100
Atka mackerel	17.7	14.5	63.7	4.0	0	99
Squid	20.0	20.0	20.0	20.0	20.0	100
Others	26.9	22.1	31.0	13.1	6.9	100

1/ Approximately 40 percent of the Chirikof Statistical Area is included in the longline fishery for Pacific cod which provides for a directed fishery for Pacific cod only by foreign longliners in the area west of 157° West longitude and landward of the 500 meter isobath.

Table 64 -- OY[1]/ Reserve/DAH/FAC[2]/ Schedule, By Area (000's mt)

Species		Shumagin	Chirikof	Kodiak	Yakutat	Southeast	Total
Pollock	OY	57.0	54.4	40.8	12.5	4.1	168.8
	Reserve	11.4	10.9	8.2	2.5	0.8	33.8
	DAH	4.8	4.6	3.4	1.1	0.3	14.2
	FAC	40.8	38.9	29.2	8.9	3.0	120.8
Cod	OY	9.6	4.1	15.3	4.3	1.5	34.8
	Reserve	1.9	0.8	3.1	0.9	0.3	7.0
	DAH	4.3	1.8	6.8	1.9	0.7	15.5
	FAC	3.4	1.5	5.4	1.5	0.5	12.3[3]/
Flounders	OY	10.4	2.7	12.0	6.4	2.0	33.5
	Reserve	2.1	0.5	2.4	1.3	0.4	6.7
	DAH	2.2	0.6	2.6	1.4	0.4	7.2
	FAC	6.1	1.6	7.0	3.7	1.2	19.6
Pacific ocean perch	OY	2.7	2.7	5.2	7.9	6.5	25.0
	Reserve	0.5	0.5	1.0	1.6	1.3	4.9
	DAH	0.1	0.1	0.2	0.4	0.3	1.1
	FAC	2.1	2.1	4.0	5.9	4.9	19.0
Other rockfish	OY	0.3	0.2	0.6	3.4	3.1	7.6
	Reserve	0.1	Trace	0.1	0.7	0.6	1.5
	DAH	0.1	Trace	0.2	0.9	0.8	2.0
	FAC	0.1	0.2	0.3	1.8	1.7	4.1
Sablefish	OY	2.1	1.4	2.4	3.4	3.7	13.0
	Reserve	0.4	0.3	0.5	0.7	0.7	2.6
	DAH	0.1	Trace	0.1	0.8	3.0	4.0
	FAC	1.6	1.1	1.8	1.9	0	6.4
Atka mackerel	OY	4.4	3.6	15.8	1.0	0	24.8
	Reserve	0.9	0.7	3.2	0.2	0	5.0
	DAH	0	0	0	0	0	0
	FAC	3.5	2.9	12.6	0.8	0	19.8
Squid	OY	0.4	0.4	0.4	0.4	0.4	2.0
	Reserve	0.1	0.1	0.1	0.1	0.1	0.4
	DAH	0	0	0	0	0	0
	FAC	0.3	0.3	0.3	0.3	0.3	1.6
Other Species	OY	4.4	3.6	5.0	2.1	1.1	16.2
	Reserve	0.9	0.7	1.0	0.4	0.2	3.2
	DAH	0.1	0.1	0.2	0.1	Trace	0.5
	FAC	3.4	2.8	3.8	1.6	0.9	12.5

1/ Based on percentages shown in Table 63.
2/ Initial FAC; may be larger as reserve is apportioned during year.
3/ Of this total, only (including the 20 percent reserve), 6,233 mt can be taken west of 157 degrees West Longitude.

8.0 Management regime.

8.1 Management objectives.

Four major objectives dictate the philosophy of management of the groundfish fisheries in the Gulf of Alaska. In priority order, they are:

(A) Rational and optimal use, in both the biological and socio-economic sense, of the region's fishery resources as a whole;

(B) Protect the Pacific halibut resource, which for decades has supported the only significant U.S. groundfish fishery in the region, but which is currently in a state of grave decline;

(C) Provide for the orderly development of domestic groundfish fisheries, consistent with (A) and (B) above, at the expense of foreign participation;

(D) Provide for foreign participation in the fishery consistent with (A), (B), and (C) above, to take that portion of the optimum yield not utilized by domestic fishermen.

8.2 Area, fisheries, and stocks involved.

This fishery management plan and its management regime applies:

(A) To the U.S. fishery conservation zone of the North Pacific Ocean, exclusive of the Bering Sea, between 170° west longitude on the west and 132°40' west longitude on the east.

(B) To all foreign and domestic fishing vessels operating in the area described in (A) above except:

(1) The taking of halibut by United States and Canadian vessels which are operating under International Pacific Halibut Commission regulations;

(2) Those Canadian vessels fishing in accordance with the U.S.-Canada Reciprocal Fisheries Agreement signed February 4, 1977; and

(3) Those U.S. vessels operating in shrimp, crab, or scallop fisheries.

(C) To all stocks of squid and finfish—except salmon, steelhead trout, Pacific halibut, herring and tuna—which are distributed or are exploited predominately in the area described in (A) above.

8.3 Management measures and rationale.

8.3.1 Domestic.

8.3.1.1 Season, gear, area, and catch restrictives.

(A) Areal division of DAH. The DAH for all species has been apportioned to individual statistical areas, as shown in table 64.

(B) Seasonal division of DAH. None.

(C) Prohibited species. In accordance with existing State and Federal statutes.

(D) Time-area closures. (1) June 1-November 30. None.

(2) January 1-May 31 and December 1-31. When the total incidental trawl catch of halibut in any statistical area exceeds that amount listed below, that statistical area shall be closed to domestic trawling for the remainder of this period: Shumagin—29 mt, Chirikof—18 mt, Kodiak—34 mt, Yakutat—17 mt, Southeast—14 mt (i.e., 1 percent of 25 percent of DAH).

(E) Gear restrictions. (1) June 1-November 30. None.

(2) January 1-May 31 and December 1-31. (a) Only off-bottom trawls may be used, (b) duration of individual tows shall not exceed 1 hour.

(F) Notification and observers. (1) All groundfish trawlers must, when so requested, take aboard an official observer.

(G) In-season adjustment of time and area. Management of shellfish and finfish fisheries by the State of Alaska in recent years compares favorably with the management of most other fisheries in the United States and elsewhere. The success of this management program may be largely attributed to the deliberate flexibility built into the governing system by State law and the resultant ability of the Board of Fisheries and the Department of Fish and Game to make timely changes in the regulations to meet changing needs and conditions. This flexibility which has been realized through annual revision of the regulations by the Alaska Board of Fisheries, together with emergency orders and regulations issued in season by the Department, has resulted in many benefits:

(a) New information and data relating to resource management can be immediately incorporated into the management program, even when the fishery is in progress.

(b) The management approach adopted by the Board prior to the season can be adjusted and refined during the season on the basis of assessment of actual resource conditions.

(c) Unanticipated resource conditions can be reacted to immediately to prevent both underfishing and wasteful underutilization.

(d) The dangers posed by high effort levels of efficient harvesting units (as where fleet capacity equals or exceeds the OY) can be closely controlled.

(e) Unexpected developments with respect to economic and social factors (natural disaster, changes in marketing conditions cannery fires) can be accommodated so the resources are distributed and allocated in a manner which maximizes overall public benefits.

(f) Management philosophies and policies formulated through legislative and administrative processes may be carried out in the field by personnel familiar with local conditions.

(g) Management approaches which are proving unworkable or which are imposing undue hardships may be changed at once.

(h) Necessary in-season refinements in management programs can be accomplished primarily in the field with the advice and assistance of the users more directly affected.

(H) Issuance of field orders. The council finds that the Optimum Yields in this plan, which are based upon projections of the status of the stocks, ecomomic and other conditions several months in advance of the actual conduct of the fishery, may be found to be mis-specified in light of unpredicted and unanticipated adverse or favorable stock conditions which are revealed in-season. Under such circumstances, the Council further finds it appropriate for conservation purposes only, that the Regional Director of the National Marine Fisheries Service, Alaska Region or his designee in close coordination with the Commissioner of the Alaska Department of Fish and Game, take immediate action by issuing field orders adjusting time and/or area restrictions; therefore, this plan provides that seasons and areas shall be subject to in-season adjustment by the Regional Director of the National Marine Fisheries Service. The Regional Director or his designee may adjust season opening and closing dates based upon the following considerations:

1. The effect of overall fishing effort within a major statistical area;

2. Catch per unit effort and rate of harvest;

3. Relative abundance of stocks within the area in comparison with pre-season expectation;

4. The proportion of halibut (see section 8.3.1.1 (D)) or crab being handled;

5. General information on the condition of stocks within the area;

6. Information pertaining to the optimum yield for stocks within the statistical area; or

7. Any other factors necessary for the conservation and management of the groundfish resource.

In order to assume effective management of the groundfish resource as a unit throughout its range, in-season adjustments made by the Regional Director must be coordinated with similar actions taken by the State regarding waters under State jurisdiction. It is necessary that the Regional Director, to the extent possible, act in conjunction with the Alaska Department of Fish and Game in order effect uniformity of management in State waters and the fishery conservation zone. As a result, any changes proposed by the Regional Director will be accompanied by advance notice to the State to allow for opportunity to maintain such uniformity. In most cases, the Regional Director will exercise his authority on the basis of recommendations received from the Department, and will reply on the Department for season data, reports, and assessments necessary to make a determination as to the advisability of any action contemplated. In all cases, continuous consultation between the Department and the Regional Director will be maintained.

It is expected that the actual opening and/or closing dates for the seasons prescribed in this plan will be adjusted by the Regional Director pursuant to the Authority described in this section. Such action is not considered emergency action that would require amendment of the plan, or regulations implementing the plan; adjusting the season opening and closing dates is meant to be inherent part of the seasons themselves. For this reason, any adjustments made by the Regional Director or his designee will be effected by the issuance of a field order and announcement in the manner currently utilized by the State of Alaska.

Any in-season amendment of the plan's season or area or other implementing regulations beyond the scope of the above described authority will be accomplished by emergency regulation, as provided by section 305(e) of the Act, in accordance with the recommendation of the Regional Director following consultation with the Commissioner of the Department of Fish and Game. It is understood that time will often be of the essence in making effective the aforementioned adjustments and changes.

Entry limitation on that portion of a fishery within contiguous territorial waters under State jurisdiction may become necessary while some foreign fishing continues in the conservation zone because of the effects of concentrated effort on the stock distributions within territorial waters. In considering limited entry under such conditions, at lease two things must be borne in mind: (1) The relationship of domestic fishing activity inside the 3-mile limit to that outside; and (2) the potential compatibility of a limited entry system within the 3-mile limit to any system that might be established for the domestic fleet in the conservation zone in the future.

Whether within State jurisdiction or within the conservation zone, limited entry should not be established unless the need for it can be demonstrated. There are several considerations that can be viewed as indicators or "warning lights" whose intensities can vary. Not all of them need be lit to indi-

cate that limited entry is needed; various combinations and intensities can indicate the need. Criteria for identifying that need to limit entry in a fishery include the following considerations:

(1) Full utilization of any fishery;

(2) Relationships of the domestic fishery to actual or potential activity in other fisheries, i.e., non-target species catch and mortality; whether earnings from one fishery may be necessary to support or encourage activity in another fishery; etc.;

(3) Decreasing precision and effectiveness of conventional management and regulatory methods, creating a greater risk of management error culminating in major underharvest or overharvest;

(4) A significant increase in the number of units of fishing gear;

(5) Excess capacity in the fleet, or conditions approaching excess capacity;

(6) Reduced average earnings by fishermen;

(7) A fishery whose profits are sustained only by rising fish prices, which offset significant declines in catch per unit effort;

(8) Constriction of fishing time (periods, seasons, etc.);

(9) Detrimental on-shore effects from the preceding conditions including decreased standard of living, increased unemployment and dependence upon welfare, and labor force costs and retention problems.

Any limited entry program must be designed specifically for the fishery to which it will be applied, taking into consideration the unique characteristics of that fishery. Since limited entry may cause social and economic dislocation, a program must be tailored specifically to minimize or avoid these effects in a given fishery.

The fishery should be monitored and data collection started so that conditions such as those described above can be identified and measured. The data base should also indicate the character and level of participation in the fishery, including: (a) Investment in vessel and gear; (b) the number and type of units of gear; (c) the distribution of catch; (d) the value of catch; (e) the economic returns of the participants; (f) mobility between fisheries; and (g) various social and community considerations.

With such a monitoring system, when managerial and/or economic indicators signal the need for limited entry, much of the information will be available to allow timely design and implementation of the best program.

Means should also be established to determine the optimum effort level for the fishery. Two major considerations here are: (1) A level that allows effective resource management; and (2) a level that allows a reasonable average rate of return. These concepts, and perhaps others, would have to be elaborated and specified for the fishery. Other considerations bearing on optimum effort levels may suggest themselves as the concept of optimum yield is developed.

The current condition of the groundfish fisheries of the Gulf of Alaska is such that limited entry programs for the domestic fleet will not be required in the near future. However, research and monitoring programs such as those suggested above should be developed and implemented in a timely manner.

In Alaska, where groundfish fisheries may occur completely or partly in waters under State jurisdiction, some fisheries may eventually be included in a State limited entry program. Especially in fisheries under divided jurisdiction, coordination between the North Pacific Fishery Management Council and the State will be necessary in order to develop a comprehenshive program that recognizes unique local or regional conditions as well as the national standards of the Fishery Conservation and Management Act of 1976.

8.3.2 Foreign.

8.3.2.1 Season, gear, area, and catch restrictions.

(A) Areal-division of FAC for all species has been apportioned to individual statistical areas, as shown in Table 64. To reduce the likelihood of uneven exploitation on localized stocks or concentrations.

(B) Seasonal division of FAC. No more than 25 percent of the total FAC may be taken during the periods January 1-May 31 and December 1-31 combined. The distribution of halibut varies seasonally and, at times, differs from that of other groundfish (Sec. 3.6.2). The incidental catch of halibut is likely to be highest from December 1-May 31 because most fishing for groundfish occurs at depths over 100 meters where halibut concentrate during the winter-spring. Data from observer programs indicate a 3 percent incidence of halibut during winter-spring and 0.5 percent during summer-fall. The total FAC is about 181,000 mt; with the proposed restriction no more than 45,250 mt would be allowed during winter-spring. This would result in an annual halibut incidental catch of 2,037 mt, i.e., 1,358 mt during winter-spring and 679 mt during summer-fall. This compares with an incidental catch of 3,168 mt if the fishery operated uniformly throughout the year and amounts to a halibut savings of 1,130 mt.

(C) Prohibited species. Foreign vessels operating in this fishery must reduce to the minimum their incidental catch of, and may not retain any of the following species or species groups: (1) salmonids, (2) Pacific halibut, (3) shrimp, (4) herring, (5) "Creatures of the Continental Shelf" (6) scallops. To prevent covert targeting on species of special importance to the United States.

(D) Time-area closures. (1) The following areas shall be closed to all foreign fishing for the periods specified:

(a) Landward of a line 12 miles offshore from the baseline used to measure the territorial sea—year round. To prevent conflicts with established, inshore domestic fisheries and the small vessels often used in those commercial, subsistence, and recreational fisheries.

(b) Within the three U.S. fishing sanctuaries described in Appendix I and shown in Figures 13 and 14—year round. To provide sanctuaries for the expansion of domestic setline fisheries for sablefish to offshore waters. Catches from inside waters are limited by a State of Alaska quota and declining catch rates, but gear losses to foreign trawlers and preemption of grounds by foreign setliners have prevented expansion of the domestic fishery to productive outside waters.

(c) "Davidson Bank", as described in Appendix I and shown in Figure 15—year round. To preserve as a sanctuary for developing U.S. fisheries an area with healthy concentrations of several groundfish species which is within range of already established cold storage and processing facilities at Dutch Harbor and Sand Point.

(2) The following areas shall be closed to foreign trawling during the periods specified: (a) 140° W-147° W, as shown in Figure 15—January 1-February 15, and November 1-December 31. This area includes the important "Yakutat" and "W" grounds where halibut concentrate for spawning during November-February. The closure reduces incidental catches of halibut, provides protection against a possible directed fishery on spawning halibut, and prevents disturbance of the spawning grounds. The benefits from the closure cannot be accurately quantified as they depend on the amount of directed (illegal) fishing on halibut and on whether effort is shifted to open areas where the incidence of halibut may be nearly as high (Sec. 3.6.2). The annual incidental catch in this area has averaged about 1,500 mt. A similar but one-month shorter closure is currently in effect for foreign fishermen.

(b) 147°-157° W as shown in Figure 15—February 16-May 31. This is the most productive area for the North American halibut fishery in the Gulf; over half of the annual catch occurs here. The incidence of halibut in the trawl fishery is highest during the winter and spring (see Section 3.6.2). The closure is designed to reduce the halibut catch by trawls and allow the grounds to remain undisturbed for several months before the opening of the halibut season which usually begins in early May. Benefits from closure cannot be accurately quantified as they depend on the amount of directed fishery on halibut and on whether effort is shifted to open areas where the incidence may be nearly as high. The annual incidental catch in this area has averaged about 3,000 mt. This closure is presently in effect for foreign fishermen. This closure and the one preceding, (e) above, are consecutive rather than concurrent so that foreign fisheries can be conducted in one part or another of the central and western Gulf of Alaska throughout the winter.

(c) Six "Kodiak Gear Areas", as described in Appendix I and shown in Figure 16—January 1-May 31 and August 10-December 31. To prevent conflicts between domestic fixed crab gear and foreign trawls and to prevent possible high incidental catches of crabs; identical closures are currently in effect.

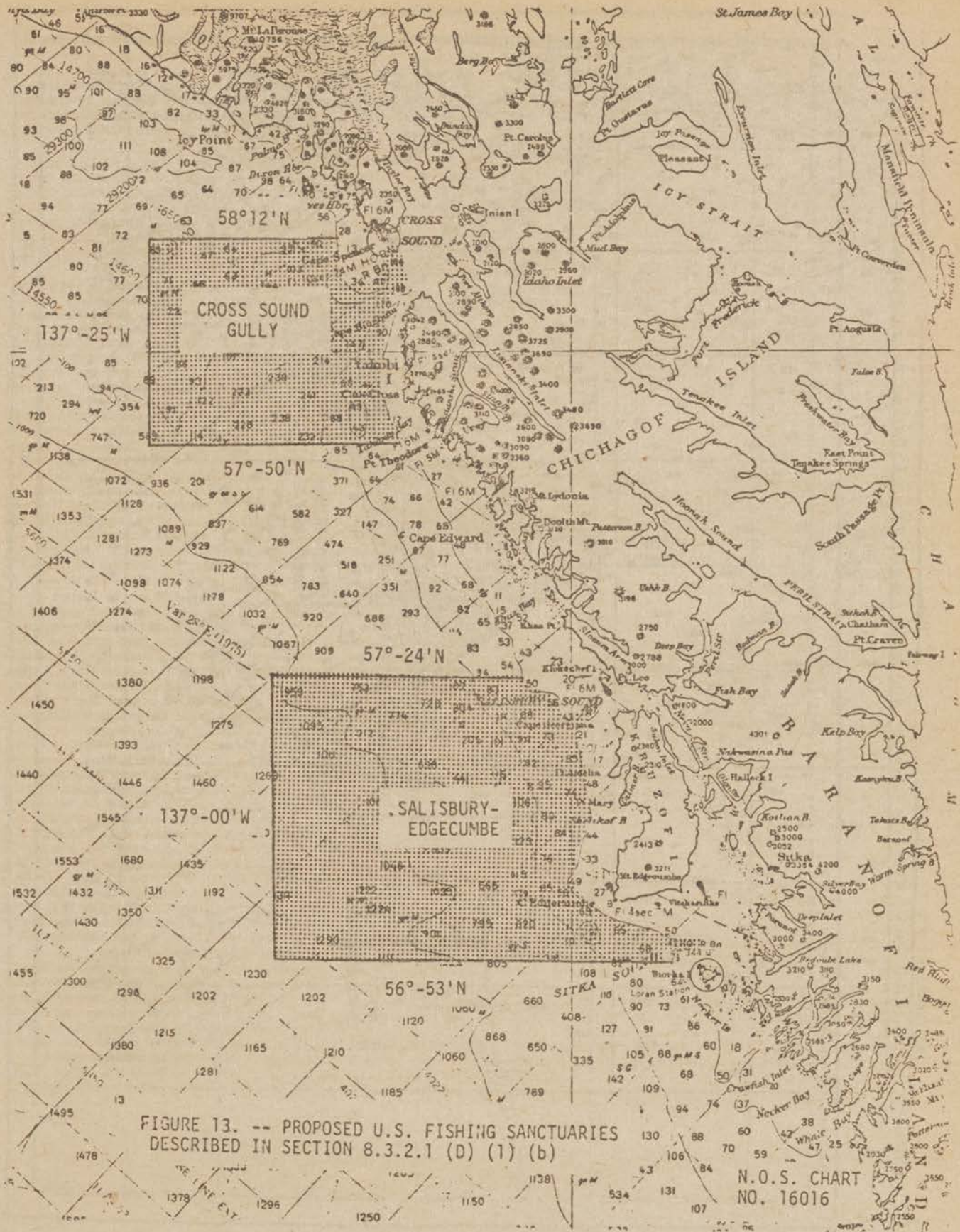


FIGURE 13. -- PROPOSED U.S. FISHING SANCTUARIES DESCRIBED IN SECTION 8.3.2.1 (D) (1) (b)

N.O.S. CHART NO. 16016

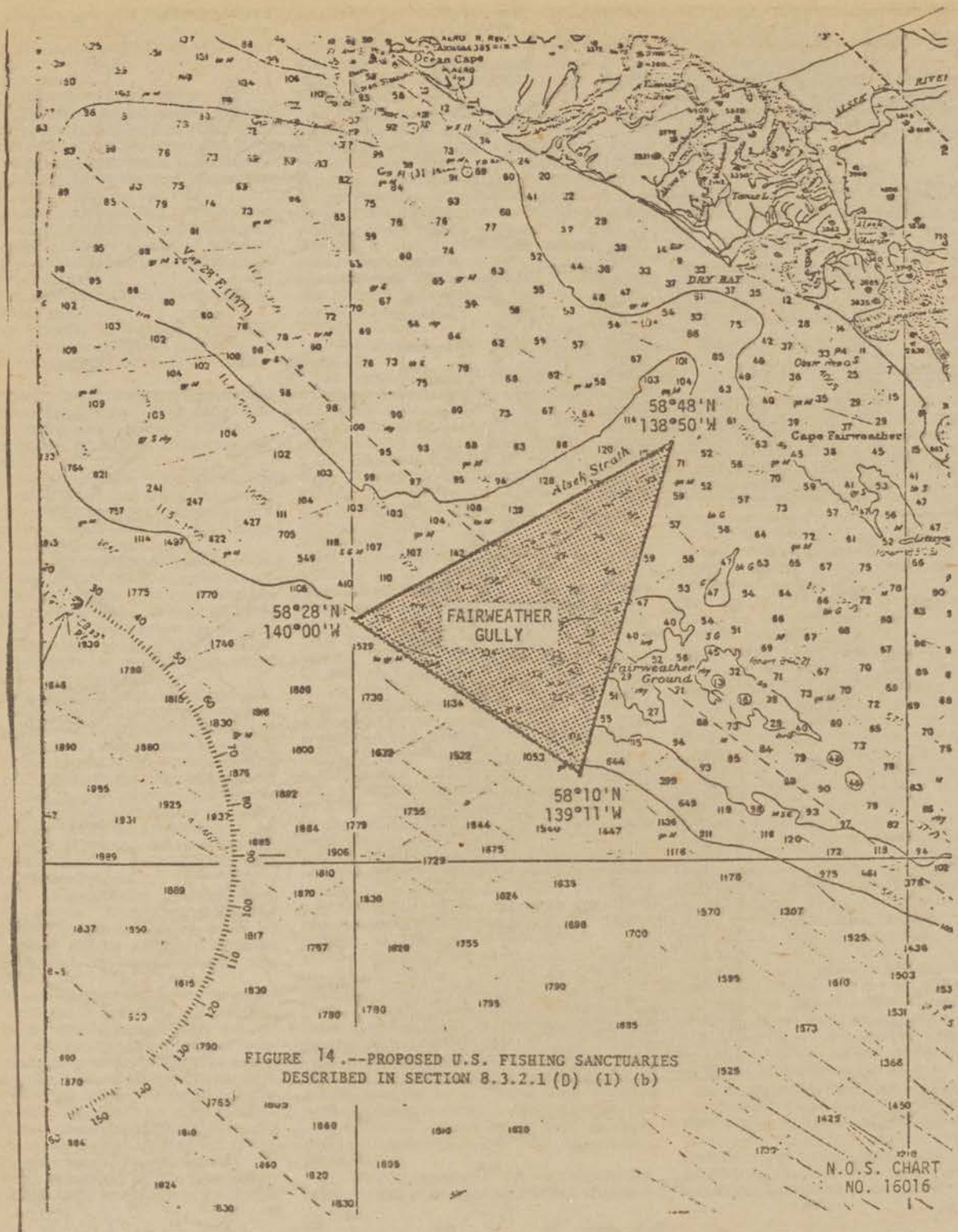


FIGURE 14.--PROPOSED U.S. FISHING SANCTUARIES DESCRIBED IN SECTION 8.3.2.1 (D) (1) (b)

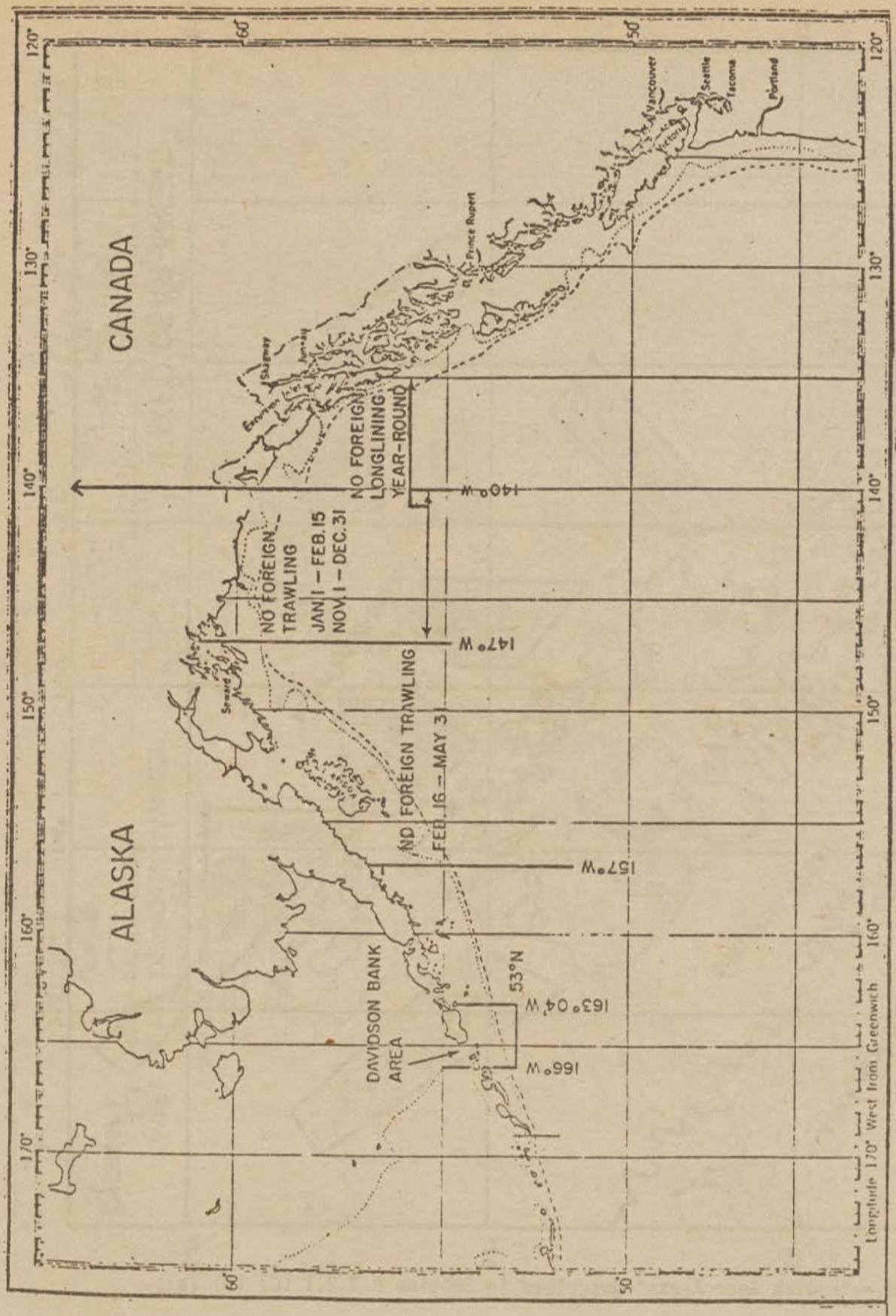


Figure 15.--"Davidson Bank" winter closures, and area closed to foreign sablefish fishing described in Sections 8.3.2.1. (D).

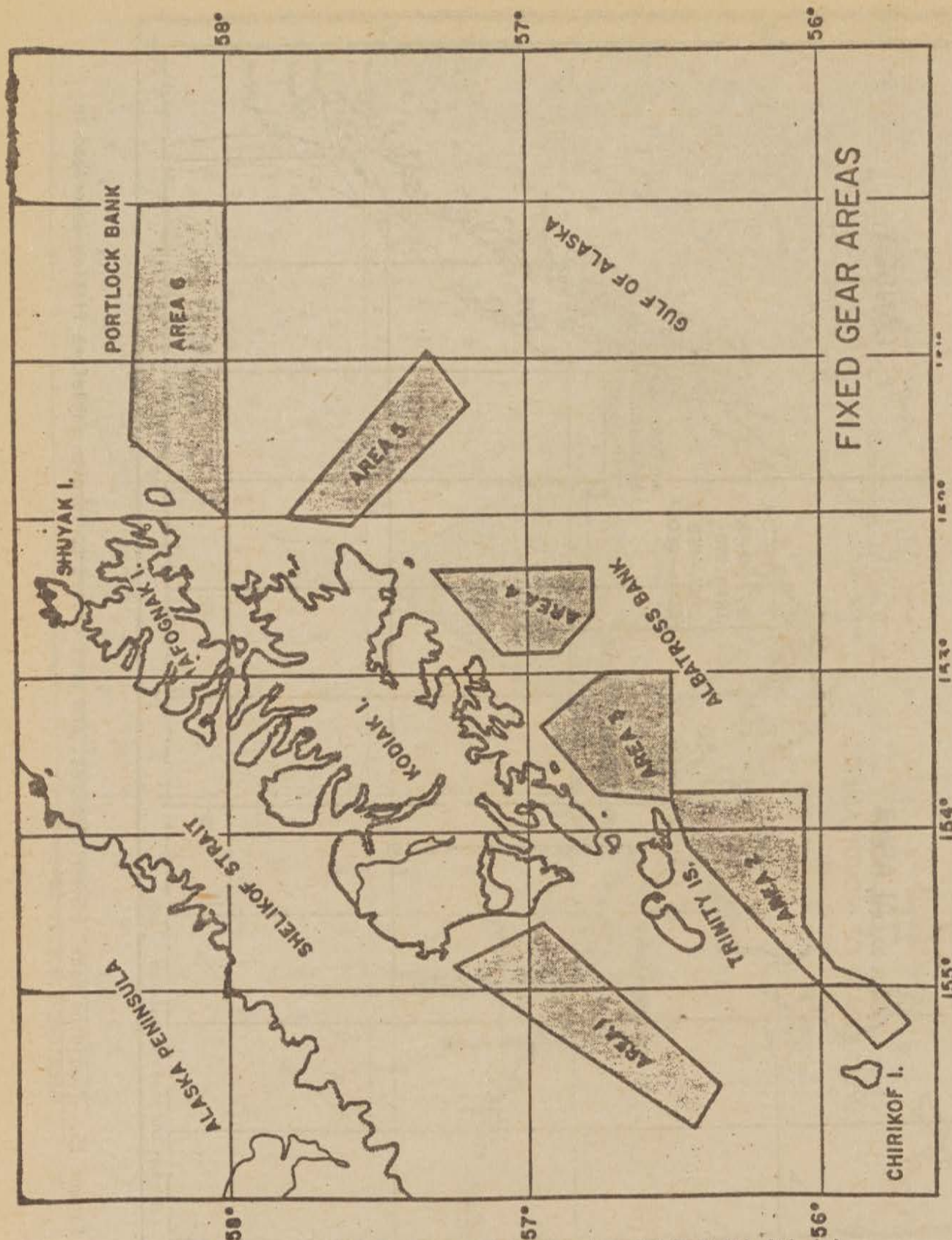
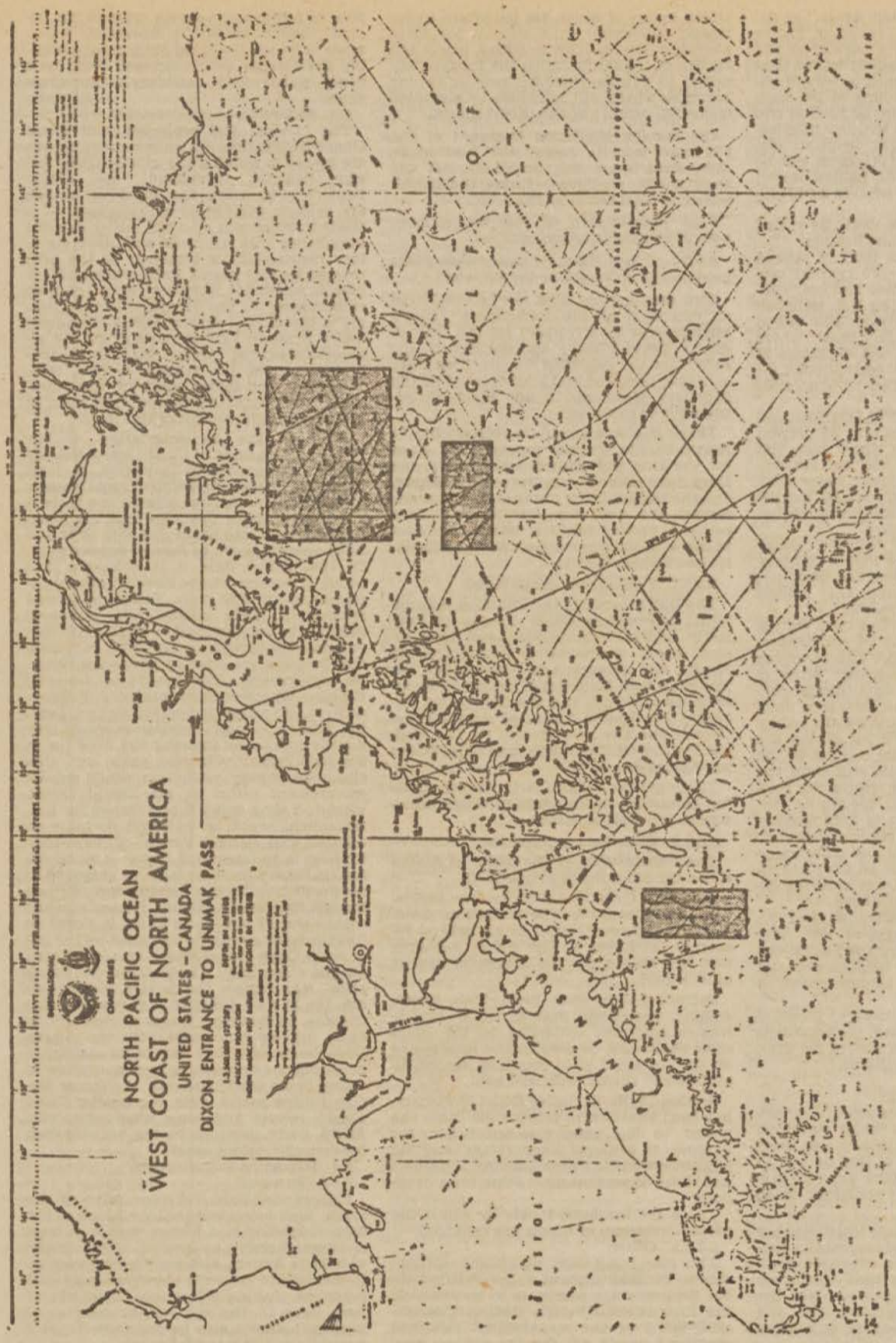


Figure 16.--"Kodiak Gear Areas" described in Section 8.3.2.1 (C) (2) (a).



" described in Section 8.3.2.1 (D)(2)(b).

(d) Three "Kodiak Halibut Areas," as described in Appendix I and shown in Figure 17—five days before to five days after the opening of the domestic halibut setline fishery. To allow halibut grounds to remain undisturbed prior to the opening of the halibut season and allow the initial halibut trip of the season to be made without interference from foreign trawlers; identical closures now in effect. This provision will be unnecessary unless the 1978 halibut season opens later than May 26 because of (2)(b), above.

(3) The following areas shall be closed year-around to foreign setline fishing:

(a) That portion of the Gulf of Alaska east of 140° W longitude. To prevent preemption of sablefish grounds and gear conflicts in the area where the U.S. sablefish fishery is expected to develop—this closed area encompasses all of Southeast, where there is no sablefish FAC, and 30 percent of Jakutat, leaving the other portion open for attainment of the prescribed 1,787 mt FAC in that area.

(b) The area east of 157° W longitude and landward of the 500 m isobath. To prevent take of juvenile sablefish which have not yet reached their "critical size" and are generally distributed in shallower water than the adults, and to prevent hooking mortality on juvenile halibut; this measure has been in force for several years.

(4) In the area west of 157° West longitude, a directed fishery for Pacific cod may be conducted only with longline gear, but shall be prohibited during the halibut season as established by the IPHC.

(E) Gear restrictions. (1) Net type. During the periods January 1-May 31 and December 1-31 only pelagic trawls,[14] with recording net-sonde devices functioning properly during each tow, may be used through the Gulf of Alaska during the time-area units not otherwise closed to trawling. To reduce the incidental catch of halibut during the period of highest incidental catches in the past. This restriction should still allow the opportunity for successful fishing for such pelagic and semi-demersal species as pollock, Pacific ocean perch, and Atka mackerel. Until this type of gear restriction is shown to be both practical and enforceable it should not be considered an adequate alternative to the winter trawl closures described in (C)(2) (a) and (b), above.

(2) Longline. In the area landward of the 500 meter isobath and west of 157° West longitude a directed fishery for Pacific cod may be conducted only by longline gear and is prohibited during the halibut season as established by IPHC.

(3) Sablefish longline fishery. Directed fisheries for sablefish may be conducted only with longline (hook & line) or pot gear.

8.3.2.2. Size and sex restrictions.

None.

8.3.2.3. Other regulations.

(A) Once a nation's allocation of any species or species group in a major statistical area is exceeded, that statistical area shall be closed to all fishermen of that nation for the remainder of the calendar year. To prevent overexploitation of relatively small stocks (many of which are important to domestic fishermen) in a fishery for more abundant species. This provision places the burden of responsibility on the foreign fishermen to develop selective gear or fishing practices which will minimize or eliminate incidental capture of non-target species.

(B) Foreign longlining landward of the 500 meter isobath, west of 157° West longitude, shall target only on Pacific cod and shall not be conducted during the halibit season as established by the IPHC.

8.3.3 Relationship of this management plan to existing laws and policies.

8.3.3.1 Other fishery management plans proposed by a Council or the Secretary.

This management plan can be considered an extension of the Preliminary Fishery Management Plan (PFMP) for the Gulf of Alaska Trawl Fishery and portions of the PFMP for the Sablefish Setline/Trap Fishery, both prepared and implemented by the Secretary of Commerce, and which are superceded by this plan.

There is also an implicit relationship to North Pacific Council management plans for the king and Tanner crab fishery, the Dungeness crab fishery, the scallop fishery, and the shrimp fishery in that this plan recognizes the need for possible emergency action to prevent conflicts with, or a conservation crisis in those other managed fisheries (see Section 8.3.1.1).

8.3.3.2 Federal law and policies.

The U.S. is party to the following international conventions which directly or indirectly address conservation and management needs of groundfish in the Gulf of Alaska: the International Convention For The High Seas Fisheries of the North Pacific Ocean (INPFC), and the Convention Between The United States of America and Canada For The Preservation Of The Halibut Fishery Of The Northern Pacific Ocean and Bering Sea (IPHC).

There are no Indian treaty fishing rights for groundfish in the fishery conservation zone in the Gulf of Alaska.

8.3.3.3 State laws and policies.

The Constitution of the State of Alaska states the following in Article XIII:

Section 2. General Authority. The legislature shall provide for the utilization, development, and conservaton of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Section 4. Sustained Yield. Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Section 15, No Exclusive Right of Fishery, has been amended to provide the State the power "to limit entry into any fishery for purposes of resource conservation" and "to prevent economic distress among fishermen and those dependent upon them for a livelihood".

These are the basic tenets by which the natural resources of Alaska are managed.

8.3.3.4 Other.

This plan has a most significant relationship to the management of the Pacific halibut fishery which continues to be vested in the International Pacific Halibut Commission. Many of the management measures contained herein are for the express purpose of mitigating a severe crisis in the domestic halibut fishery by recognizing a situation in which the trawl fishery (and possibly the foreign setline fishery) could be a major contributor to declining halibut abundance.

8.4 Enforcement requirements.

The existing and projected joint Coast Guard-NMFS fisheries enforcement patrols are geared to policing the wide range of foreign fisheries throughout the Alaska Region. In so doing, the individual patrols are seldom devoted to enforcement of a single management plan but rather monitor compliance with all plans and other statutory responsibilities pertinent to the area covered by that patrol. Enforcement of this plan is somewhat unique because the plan encompasses all the permitted foreign fishing in the Gulf of Alaska (except Canadians under separate agreement) and all the restrictions against foreign retention of prohibited species, i.e., salmon, halibut, crab. Therefore, the major share of the multimission patrols in the Gulf of Alaska can be prorated to enforcement of this plan.

Prior to the implementation of the FCMA, a task force of Coast Guard-NOAA/NMFS representatives prepared a joint report on foreign enforcement requirements using historical fishing patterns as a basis. it is estimated from this plan that the Coast Guard will devote about 315 ship days and 2,800 aircraft hours to foreign enforcement. Of that patrol time, it is estimated that about 75 percent will be directed toward enforcement of this plan. Following proven procedures, these patrols will, whenever possible, be accompanied by NMFS fisheries enforcement specialists. As noted, the above requirements are directed at foreign fisheries enforcement. The impact of domestic fisheries on enforcement planning is dependent on two as yet unresolved factors. First, the type of domestic regulations would play a large role in determining the need for at sea enforcement. Complex rules, e.g., area closures and gear restrictions, would require enforcement effort at sea. Simple rules, wherein only a quota is established for U.S. fishermen, could be enforced dockside at minimal cost. Second, the size of the domestic fleet is an important factor. A small domestic fishery could be largeley patrolled in conjunction with the current and planned foreign fishing surveillance. Domestic effort within the 12 mile zone which is closed to foreign fishing could be patrolled by the use of small Coast Guard vessels at a lesser cost. On the other hand a large domestic fishing effort may replace the foreign vessels outside the 12 mile line with U.S. vessels inside the line. In that case, it may be desirable to enter into an agreement with the Alaska Department of Public Safety for assistance in conducting domestic enforcement close to shore. Some combination of the larger foreign fishing patrol units, the smaller Coast Guard vessels and some agreement with ADPS might prove to be the best solution for domestic enforcement.

8.5 Reporting requirements.

8.5.1 Domestic.

Fishery statistics, including value of the catch, shall be reported within 7 days of the date of landing in a format that is at least as comprehensive as Level 2 of the Coastwide Data System, and compiled by months. In addition to elements identified in Level 2 reporting, fishing effort (e.g., days out of port, days on the grounds, or number of landings) should also be reported. Level 2 reporting includes the following:

[14] A "pelagic" trawl is one in which neither the net nor the otter boards operate in contact with the bottom. The net-sonde readout shall clearly indicate that during no more than 10 percent of any tow was the footrope of the net in contact with the bottom. No chafing gear, rollers, or bobbins are permitted.

Vessel Registration/Gear Licensing

U.S.C.G. document No. _____
State agency boat plate No. _____
State marine board No. _____
Vessel length _____
Gear type(s) _____

Landing/Fish Receipt

Port of landing _____
Date of landing _____
Area of catch _____
State agency boat plate No. _____
Species and pounds _____
Gear type(s) _____
Value of catch _____
Ticket No. _____

Area of catch should be compatible with the major statistical area described in this plan. Where possible, such reporting should be augmented with fishermen interviews and verification of data by logbook review.

With regard to the timeliness of reporting, all elements of the above format should be available to the Council, in summary form (e.g., catch by species, by vessel class and gear type, by major statistical area, and by month) no later than 3 months after the end of the month of record. Annual summary reports of final fishery statistics and computer tapes, cards, or disks containing the basic fishery data of Level 2 reporting in accordance with applicable State and Federal statutes regarding confidentiality of data should be available to the Council by July of the following year.

8.5.2 Foreign.

(A) Monthly reports. In addition to the annual statistical report described below, each nation will report by the end of the following month, provisional fishery information as follows: Effort in vessel-days on the grounds by vessel class and gear-type; and catch in metric tons of flounders, Pacific ocean perch, other rockfishes, cod, pollock, sablefish, Atka mackerel, squid, and others, for each of the following areas (Figure 1): Southeastern, Yakutat, Kodiak, Chirikof (east and west of 157° W.l. for Pacific cod only). Shumagin.

(B) Annual reports. Each nation whose fishermen operate in the Region shall report by May 30 of the following year annual catch and effort statistics, as follows: Effort in hours trawled, by vessel class, by gear type, by month, by ½° (lat) x 1° (long) statistical area; catch in metric tons, by vessel class, by gear type, by month, by ½° (lat) x 1° (long) statistical area, by the following species groupings: rocksole, flathead sole, arrowtooth flounder, other flounders, Pacific ocean perch, other rockfishes, Pacific cod, sablefish, Alaska pollock, Atka mackerel, squid, any other species taken in excess of 1,000 metric tons, and other fishes.

(C) Fleet disposition reports. The operator of each foreign vessel shall report by radio, at least 24 hours in advance, the date, time and position at which fishing activities will begin in the Gulf of Alaska. Similar reports will be made when ceasing fishing activities in the Gulf. Reports will also be required when vessels shift operations to different statistical areas within the Gulf of Alaska.

Those reports, supplemented by U.S. patrol sighting and monthly catch and effort reports, are required to monitor adherence to catch limitations.

8.6 Observers.

All fishing vessels operating in this management unit will make available, at no cost to the United States, accommodation for one (two on motherships) technical observer. Observers will be assigned to individual vessels and for periods at the discretion of the U.S. Government (for foreign vessels) or the Alaska Department of Fish and Game (for domestic vessels) to: measure catch rates; estimate species, size, and age composition of the catch; collect other biological data; determine location and duration of hauls or sets; and observe gear configuration and performance.

8.7 Cooperative research requirements.

Foreign fishery research in which fishing gear capable of taking commercial quantities of any fishery resource must either be conducted in cooperation with a federal or state fishery agency or with an appropriate domestic university, or must be covered by a permit issued by the Secretary for a foreign commercial operation.

To be considered "cooperative," detailed research plans must be developed jointly with U.S. scientists, and approved by the appropriate NMFS Fisheries Center at least 90 days prior to the commencement of field operations. Unless specifically exempted, such field operations must include participating U.S. scientists, technicians, or observers. Cooperative research ventures will only be entered into when they are found to be in the best regional interest of the U.S.

Requests for cooperative research may be initiated by either U.S. or foreign scientists.

8.8 Permit requirements.

8.8.1 Domestic.

All U.S. fishing vessels operating in that part of the Gulf of Alaska groundfish fishery which is under Council jurisdiction must have a permit issued by the Secretary of Commerce or, if considered acceptable by the Secretary of Commerce, a State of Alaska vessel license.

8.8.2 Foreign.

All foreign fishing vessels (as defined in Pub. L. 94-265) operating in the Gulf of Alaska groundfish fishery must have aboard a valid permit issued by the Secretary of Commerce.

8.9 Financing requirements.

8.9.1 Management and enforcement costs.

ESTIMATED MANAGEMENT COSTS

[In thousands of dollars]

40 man-months of foreign fishery observers	[1]112
15 percent of North Pacific Council fiscal year 1978 budget (less contracts)	90
NMFS Alaska region fishery operations branch	60
20 man-months of domestic fishery observers	50
Research activities, e.g., stock assessment, by NWAFC	.....
Review and revision of FMP by SSC	.....
Review and revision of FMP by management team	7
Computerized data analyses—NMFS	5
Improve State of Alaska statistical system	[2]124

[1]Reimbursed by foreigners to general fund, U.S. Treasury.

[2]For fiscal year 1977; additional $63,300 in fiscal year 1978.

ESTIMATED ENFORCEMENT COSTS

[In thousands of dollars]

236 Coast Guard ship patrol days	825
2,100 Coast Guard aerial patrol hours	1,650
NMFS Alaska region law enforcement branch	230
NMFS/NOAA administration of civil penalties	8
U.S. Attorney administration of criminal penalties	2
Computerized data analyses—NMFS	8
Domestic enforcement by small Coast Guard vessels or by an "enforcement contract" with State of Alaska, or by a combination of the 2	Unknown

8.9.2 Expected State and Federal revenues, taxes, fees.

Federal revenue expected in 1978 from charges placed on foreign fishing operations in the Gulf of Alaska is estimated to be near that of 1977—approximately $1.9 million.

The projected domestic groundfish catch (including halibut) for shore-based processing will be around 49,650 mt from which total state revenues generated by taxes and licenses will be roughly $1.5 million.

9.0 Statement of Council intentions to review this plan after approval by the Secretary.

The North Pacific Fishery Management Council will, after approval and implementation of this plan by the Secretary, maintain a continuing review of the fisheries managed under this plan by the following methods:

(1) Maintain close liaison with the management agencies involved, usually the Alaska Department of Fish and Game and the National Marine Fisheries Service, to monitor the development of the fisheries and the activity in the fisheries.

(2) Promote research to increase their knowledge of the fishery and the resource, either through Council funding or by recommending research projects to other agencies.

(3) Conduct public hearings at appropriate times and in appropriate locations, usually at the close of a fishing season and in those areas where the fishery is concentrated, to hear testimony on the effectiveness of the management plans and requests for changes.

(4) Consideration of all of the information gained from the first three activities and development, if necessary, of amendments to the management plan. Hold public hearings on the amendments prior to sending them to the Secretary for adoption.

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11.1 Appendix.

Descriptions of closed areas given in Section 8.3.2.1 and shown in Figures 13A-13D.

A. Three "U.S. fishing sanctuaries"—8.3.2.1 (C)(1)(b).

(1) *Salisbury-Edgecumbe:* between 57°24' North Latitude and56°53' North Latitude east of 137°00' North Latitude east of 137°00' West Longitude.

(2) *Cross Sound Gully:* between 57°50' North Latitude and 58°12' North Latitude east of 137°25' West Longitude.

(3) *Fairweather Gully:* the area bounded by straight lines connecting the following coordinates in the order listed:

North latitude	*West longitude*
58°28'	140°00'
58°48'	138°50'
58°10'	139°11'
58°28'	140°00'

B. "Davidson Bank"—8.3.2.1 (C)(1)(c). Between 163°04' and 166°00'W north of 53°00' N.

C. Six "Kodiak gear" areas—8.3.2.1 (C)(2)(a). Straight lines connecting each of the following coordinates, in the order listed:

(1)

North latitude	*West longitude*
57°15'	154°51'
56°57'	154°34'
56°21'	155°40'
56°26'	155°55'
57°15'	154°51'

(2)

North latitude	*West longitude*
56°27'	154°06'
55°46'	155°27'
55°40'	155°17'
55°48'	155°00'
55°54'	154°55'
56°03'	154°36'
56°03'	153°45'
56°30'	153°45'
56°30'	153°49'
56°27'	154°06'

(3)

North latitude	*West longitude*
56°30'	153°49'
56°30'	153°00'
56°44'	153°00'
56°57'	153°15'
56°45'	153°45'
56°30'	153°49'

(4)

North latitude	*West longitude*
57°05'	152°52'
56°54'	152°52'
56°46'	152°37'
56°46'	152°20'
57°19'	152°20'
57°05'	152°52'

(5)

North latitude	*West longitude*
57°35'	152°03'
57°11'	151°14'
57°19'	150°57'
57°48'	152°00'
57°35'	152°03'

(6)

North latitude	*West longitude*
58°00'	152°00'
58°00'	150°00'
58°12'	150°00'
58°19'	151°29'
58°00'	152°00'

(D) Three "Kodiak halibut" areas—8.3.2.1 (C)(2)(b). In the event that the 1978 United States halibut setline fishing season opens after May 10, 1978, the following areas bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed are closed from 5 days prior to 5 days after the opening of the U.S. halibut setline fishery:

(1) 58°30'N to 59°30'N, between 147°40'W and 150°20'W

(2) 57°40'N to 58°05'N, between 148°50'W and 150°30'W

(3) 55°30'N to 56°25'N, between 155°45'W and 156°30'W

[FR Doc. 78-10616 Filed 4-20-78; 8:45 am]

Federal Register

FRIDAY, APRIL 21, 1978
PART V

CONSUMER PRODUCT SAFETY COMMISSION

■

CERTAIN ASPIRIN-CONTAINING POWDERS AND PREPARATIONS CONTAINING IRON

Child-Resistant Packaging Standards; Exemption and Amendment

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Certain Aspirin-Containing Powders Exemption From Child-Resistant Packaging Standards

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In this document the Consumer Product Safety Commission issues an amendment to the rule exempting certain aspirin containing preparations in powdered form from the special packaging requirements for aspirin which were issued pursuant to the Poison Prevention Packaging Act of 1970. This amendment increases from 10 grains to 13 grains the amount of aspirin in these powders which is exempt from the special packaging requirements. The Commission's decision to grant an exemption is based on the low incidence of accidental ingestions among children under five and on a study conducted by the Foster D. Snell Co. which indicates that children are not likely to consume a toxic amount of the product due to its physical form and bitter taste.

EFFECTIVE DATE: April 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Wade D. Anderson, Division of Regulatory Management, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6617.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 16, 1972 (37 FR 3427), the Food and Drug Administration issued a regulation (21 CFR 295.2(a)(1)) under provisions of the Poison Prevention Packaging Act of 1970 (PPPA) establishing special packaging requirements for preparations containing aspirin. The regulation was issued because it was found (1) that the degree and nature of the hazard to children in the availability of these substances, by reason of their packaging, was such that special packaging was required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting these substances, and (2) that the required special packaging was technically feasible, practicable, and appropriate for these substances. The effective date for this regulation was August 14, 1972.

In the FEDERAL REGISTER of December 28, 1972 (37 FR 28624), an exemption from this regulation was granted for unflavored aspirin-containing preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses providing not more than 10 grains of aspirin per unit dose and that contain no other substance subject to special packaging requirements (21 CFR 295.2(a)(1)(ii). The exemption was based on the finding that such powders do not lend themselves to accidental ingestion by children, a finding supported by human experience data as reported to the National Clearinghouse for Poison Control Centers.

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act Pub. L. 92-573, 86 Stat. 1231, 15 U.S.C. 2079(a)), among other things, transferred from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission (CPSC) responsibility for administering the PPPA. On August 7, 1973, regulations issued by the Commissioner of Food and Drugs appearing in the Code of Federal Regulations as 21 CFR Part 295 were revised and transferred to 16 CFR Part 1700. As a result of this action, 21 CFR 295.2(a)(1)(ii) became 16 CFR 1700.14(a)(1)(ii).

EXEMPTION PETITION

The CPSC received from Block Drug Co. Inc., Jersey City, N.J. a petition (PP 76-11), dated May 17, 1976, requesting that the exemption from special packaging for aspirin containing powders be extended to include unflavored aspirin-containing preparations in a powder form containing not more than 13 grains of aspirin per unit dose.

The petitioner manufactures B.C. Analgesic Powders, an unflavored aspirin-containing preparation in powder form, in packages of 2, 6, 24, and 50 unit dose powders. Seventy percent (70%) of this preparation is sold in unit packages containing 2 dosage units.

The petitioner bases its petition on the low incidence of accidental ingestions among children under five and on a study conducted by Foster D. Snell Co. which indicates that children are not likely to consume a toxic amount of the drug because of its powder form and bitter taste.

Having considered the petition, human experience data as reported to the National Clearinghouse for Poison Control Centers, and other medical and scientific literature, and having consulted, pursuant to section 3 of the PPPA of 1970, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the PPPA, the Consumer Product Safety Commission, on April 19, 1977 (42 FR 20291) issued a proposed rule amending the exemption for aspirin-containing powders to raise the maximum allowable aspirin content from 10 grains to 13 grains per unit dose.

In proposing the amendment to grant the exemption, the Commission found that the aspirin product covered by the amendment does not pose a risk of serious personal illness or injury to children. The Commission therefore found that it would not be in the public interest to continue to require special packaging for this drug pending consideration of comments and the issuance of a final regulation. Accordingly, the amendment was made effective on an interim basis immediately upon its publication in the FEDERAL REGISTER on April 19, 1977 pending completion of rulemaking proceedings.

RESPONSE TO PROPOSED AND INTERIM RULE

Thirty-six comments were received by the Commission in response to the proposed and interim rule. Thirty-three commentors were consumers and three were physicians. Many comments included general views on the desirability of special packaging for all products and on the difficulty elderly and handicapped adults might encounter in its use. The principal issues raised by the commentors, both in favor of and against the proposed amendment to the aspirin exemption, and the Commission's views thereon, are as follows:

A. GENERAL SPECIAL PACKAGING COMMENTS

(1) A number of commentors expressed general concern that, since elderly and handicapped persons might be unable to open child-resistant containers, special packaging requirements would result in denying this class of individuals the use of products covered by the regulations. Accordingly, some opposed all special packaging regulations while others favored granting the exemption from special packaging for 13 grain aspirin powders. Some commentors indicated that regulated products should be provided in child-resistant packaging to satisfy the needs of those with young children and in conventional packaging for those unable to use special packaging.

In response to these comments the Commission notes that in passing the PPPA, Congress recognized the potential problems those unable to use special packaging might encounter. Section 4(a) of the act allows a manufacturer or packager of a regulated product supplied in special packaging to produce a single size of the product in conventional packaging, provided it is conspicuously labeled, "This package for households without young children." Labeling of non-complying

packaging must comply with the requirements of the regulation at 16 CFR 1700.5 which specify type size, placement, and conspicuousness. In addition, section 4(b) allows prescription drugs subject to a standard to be dispensed in conventional packaging if requested by the purchaser or ordered by the prescriber. Thus, since the law itself contains a mechanism to make substances requiring special packaging available to such individuals, the difficulty in use would not be sufficient, in itself, to justify granting the exemption.

(2) Several commentors took the position that responsibility for the protection of young children from potentially harmful products rests with the parents of the children. On this basis, many of these commentors contend in effect that, since safety packaging is intended to protect young children from the negligence of their parents, special packaging standards place an unnecessary burden on those individuals without children. One commentor stated that persons with children should bear the cost of special packaging.

While the present rule involves an exemption, and not a new requirement for special packaging, the Commission believes that a requirement for special packaging does not alleviate the need for careful adult handling and storage of the regulated product nor is it intended to relieve parents of the responsibility to educate their children about the potential dangers associated with common household products. Rather, safety packaging is an additional tool to be used to protect children from poisoning in conjunction with the traditional techniques of education and proper storage. For those individuals without children, safety packaging can have affirmative benefits. The Commission is aware of many cases where young children have gained access to potentially harmful substances while visiting or being visited by people without young children. Since these individuals are in contact with children infrequently they may be less conscious of the need for the proper storage of hazardous products. Special packaging provides an additional safeguard, should the containers of such products be accessible to visiting children. Naturally, individuals have the option of purchasing the conventionally packaged non-complying size as discussed above.

B. POTENTIAL FOR INJURY

Several comments recommended that the Commission withdraw the proposed amendment. Some expressed the opinion that the packaging for all aspirin or for all household products should be child-resistant while others questioned whether the bitter taste of aspirin powders would deter children from ingesting the product.

1. In reponse to the comment that special packaging should be required for all aspirin or household products, the PPPA authorizes the Commission to establish a special packaging standard for a household substance only upon a finding that the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such a substance. Thus, the Commission lacks authority to promulgate a standard for a substance absent data associating that substance with the potential for serious childhood injury or illness. In the case of aspirin, the initial packaging standard covered all aspirin-containing preparations because of the difficulty in determining the precise level at which aspirin would not present a threat of serious injury to young children. To ensure, however, that products containing aspirin in amounts not harmful to children would not arbitrarily be required to be packaged in child-resistant containers, the preamble to the aspirin regulation (37 FR 3428, February 16, 1972) (and also the preamble to the testing protocol for special packaging (36 FR 22151, November 20, 1971)) stated that exemptions would be granted when appropriate.

The original exemption and proposed amendment are based in part upon human experience data which indicate that unflavored aspirin powders in unit dose packages have not been involved in accidental poisonings in children. Data from the National Clearinghouse for Poison Control Centers (NCPCC), quoted in the FEDERAL REGISTER proposal of April 19, 1977, indicate that for the period 1969–1973 only 5 ingestions of these type products were reported in children under 5 years of age—none of which resulted in symptomatology or hospitalization. More recent statistics (1969–1975) indicate that there have been no additional ingestions reported in this age group. Those individuals who favored continuing the special packaging requirement for 13-grain aspirin powders presented no data to indicate that granting an exemption would expose children to a risk of serious injury or would increase the probability of accidental ingestion. Therefore the Commission is unable to conclude that the exemption request should be denied.

2. In addition to the low incidence of reported accidental ingestions and lack of injury, the Commission's decision to propose the exemption was based on the Foster D. Snell Inc. study indicating that children are not likely to consume a toxic amount of these products. The study, conducted on unit dose packages of unflavored powders, each containing 10 grains of aspirin, reports in summary "that the children are able to open one or more packets but, after having done so, are unable to transport the powder to their mouths without considerable spilling from the folded glassine papers. Furthermore, they are unable to pick up the powder with their fingers because of its texture. Therefore, when directed to do so, the children taste the powder by inserting their fingers in it and licking their fingers, or by pouring in on a table and licking it directly. However, once having tasted the product, the majority (about 90 percent) refused to open more than one or two units, as a result of its unpleasant taste."

Specifically, these data show that of 207 children tested, 9 children might have ingested in excess of 1 gram of the powder which is equivalent to approximately 0.6 grams of aspirin. In addition, the data on the amount ingested were developed by subtracting the amount of powder remaining in the packet after the child had been given ample time to manipulate and taste it. Since some of the product might have been spilled, the actual amount ingested could have been smaller than indicated. While this study was conducted on 10 grain aspirin containing powders, the amount of the contents of each unit dose containing 13 grains of aspirin will be the same as that of the package for the 10 grain powders. Therefore, the fact that only 4 percent of the children in the Snell study consumed more than one gram of the powder suggests that the amount of aspirin consumed would also seldom exceed one unit dose of the 13 grain powder. Furthermore, increasing the amount of aspirin exempted under the specified conditions should not make it easier for children to transport the powders to their mouths since the packaging form and texture of the product remains the same as that of the powders which were tested with children.

Those commentors who objected to granting the exemption on the basis of the bitter taste of the product misconstrued this rationale for the exemption. The Commission agrees that unpleasant taste, in itself, does not deter children from initially ingesting a product. Reports to the National Clearinghouse for Poison Control Centers demonstrating that children have ingested products such as bleach, ammonia, and turpentine support this contention. Taste may, however, discourage repeated ingestion, as the Foster D. Snell study suggests. Thus, where the initial exposure to a product involves a package containing an amount which is not potentially harmful (in this case a single unit dose containing 13 grains of aspirin) and human experience data indicate that

the taste of the product deters additional ingestions, unpleasant taste becomes a deterrent to ingestion of a toxic or harmful amount of the product. If epidemiological data reveal that accidental ingestions have not in fact occurred, an exemption may be warranted. This is the case with aspirin-containing powders.

3. One comment, while supporting the exemption as proposed, suggested that the low incidence of accidental ingestion of aspirin powders can be attributed to the fact that limited segments of society use this form of medication. The comment recommended that the Commission continue monitoring these products after issuing a final exemption to ensure that alterations in usage patterns do not increase the incidence of poisoning. The Commission has no data to support or refute these contentions. Screening of ingestions of these products, insofar as it is practical, will continue as part of the Commission's routine review program.

Findings

Having considered the petition, human experience data from the National Clearinghouse for Poison Control Centers, and experimental data, and having consulted, pursuant to Section 3 of the PPPA, with the Technical Advisory on Poison Prevention Packaging established under Section 6 of the act, the Commission finds on the basis of the information summarized above in Section B of the preamble that unflavored aspirin-containing preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses providing not more than 13 grains of aspirin per unit dose and that contain no other substance subject to special packaging standards, do not present the degree or nature of hazard to children in their availability, by reason of their packaging, such that special packaging is required to protect young children from serious personal injury or serious illness resulting from the ingestion of such preparations.

Effective Date

Since this rule grants an exemption, the delayed effective date provisions of the Administrative Procedure Act are inapplicable (5 U.S.C. 553(d)(1)). Accordingly, this rule is effective April 21, 1978.

Conclusion and Promulgation

Having considered the petition, the comments thereon, and other relevant material, the Commission concludes that the proposed amendment should be adopted as set forth below.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, sections 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, section 30(a), 86 Stat. 1231, 12 U.S.C. 2079(a)), the Commission amends 16 CFR 1700.14(a)(1)(ii) to read as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(1) Aspirin. Any aspirin-containing preparation for human use in a dosage form intended for oral administration shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except the following:

* * * * *

(ii) Unflavored aspirin-containing preparations in powder form (other than those intended for pediatric use) that are packaged in unit doses providing not more than 13 grains of aspirin per unit dose and that contain no other substance subject to the provisions of this section.

(Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72 (15 U.S.C. 1471(4)) 1472, 1474; Pub. L. 92-573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079 (a)).)

Effective date: This amendment shall become effective April 21, 1978.

Dated: April 17, 1978.

SADYE DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-10816 Filed 4-20-78; 8:45 am]

[6355-01]

PART 1700—POISON PREVENTION PACKAGING

Certain Preparations Containing Iron; Amendment to Child-Resistant Packaging Standards

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: In this document, the Consumer Product Safety Commission amends the rule, issued pursuant to the Poison Prevention Packaging Act of 1970, requiring special packaging for certain iron-containing drugs and dietary supplements. This amendment lowers from 500 milligrams (mg) to 250 mg the amount of elemental iron in a single package which is subject to the special packaging requirements. The Commission believes this action is needed to protect young children from serious injury or illness.

EFFECTIVE DATE: This regulation becomes effective as to products packaged after October 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Fred Marozzi, Division of Safety Packaging and Scientific Coordination, Directorate for Engineering and Science, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6477.

SUPPLEMENTARY INFORMATION:

Background

The Poison Prevention Packaging Act of 1970 (PPPA) (Pub. L. 91-601, 15 U.S.C. 1471-1475) authorizes the Consumer Product Safety Commission (as delegated to the Commission by section 30(a) of the Consumer Product Safety Act, 15 U.S.C. 2079(a)) to issue standards for the special packaging of any household substance, as defined in the act, if it finds, among other things, that the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious injury or serious illness resulting from handling, using, or ingesting such substance.

In the FEDERAL REGISTER of June 2, 1976 (41 FR 22261), the Commission issued regulations requiring child-protection packaging for certain drugs and dietary supplements containing 500 mg or more elemental iron per package. These regulations became effective June 2, 1977. During the comment period leading to the issuance of these regulations, a petition was received from the Washington State Technical Advisory Committee on Poison Prevention Packaging (PP 76-5) requesting the Commission to lower the level of coverage to 250 mg per package. In the preamble to the final regulation issued on June 2, 1976, the Commission observed that comments were received suggesting that the level of iron to be regulated be lowered. These comments and the Washington State petition tended to support the need to lower the level but none provided data adequate to establish a precise level below 500 mg per package. Further, the Commission stated its intention to collect and review all relevant information which might enable it to positively establish the existence of such a need, and if so, the level of iron appropriate for regulation.

On April 18, 1977, after considering the data contained in the record previously compiled in issuing the standard at the 500 mg level, the data collected and received as a result of the Commission's continued research, written comments received from several prominent pediatricians supporting a substantial lowering of the regulated level, and, pursuant to section 3 of the PPPA, the recommendations of the Technical Advisory Committee on

Poison Prevention Packaging, the Commission proposed in the FEDERAL REGISTER (42 FR 20148) an amendment which would require special packaging for non-injectable animal and human drugs (except animal feeds used as a vehicle for the administration of drugs), and human dietary supplements, if these contain iron as an active ingredient and provide an equivalent of 250 mg or more of elemental iron per package in a concentration of 0.025 percent or more on a weight to volume basis for liquids and 0.05 percent or more on a weight to weight basis for non liquids.

The proposal was based on preliminary findings that the degree and nature of the hazard to young children in the availability of these products, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or illness resulting from handling, using, or ingesting such substances and that special packaging for these products is technically feasible, practicable and appropriate.

In support of the findings concerning potential for injury, the preamble to the proposed amendment contained references to injury information set forth at 41 FR 22263 (the preamble to the final rule requiring special packaging for preparations containing 500 mg of iron) associating acute iron poisoning with death from shock or cardiovascular collapse, and noting the corrosive effect of iron on the gastrointestinal tract. Additional data generated in response to a request for comments in the final order referenced medical and scientific literature which tended to support a conclusion that the ingestion of 400 mg elemental iron, if untreated, or the ingestion of 500–600 mg of elemental iron, where treatment is significantly delayed, can be potentially lethal to a young child (42 FR 20148–20149). Other literature indicated that victims with serum iron levels of 500 micrograms (mcg) percent after ingestion have experienced shock and coma. This literature presented data showing that ingestion of amounts of elemental iron between 250 mg and 600 mg could raise the serum iron levels in children to a percentage approaching 500 mcg. Ingestions of these amounts were shown to cause significant toxic effects.

As support for the need for a regulation, the proposed amendment (at 42 FR 20148) also cited reports to the National Clearinghouse for Poison Control Centers (NCPCC) from 1969 through 1974 showing 2,470 childhood ingestions of iron-containing preparations, 632 of which required hospitalization, and 322 of which resulted in symptoms indicative of potentially serious injury. Death certificate data, during this time period, implicated iron-containing products in 54 deaths.

COMMENTS RECEIVED

In response to the proposal, comments were received from the director of a major poison information center, the Nutrition and Consumer Sciences Department of the Food and Drug Administration, the American Society of Hospital Pharmacists, twenty-seven individual consumers, two physicians, the Committee on Accident Prevention of the American Academy of Pediatrics, and a major pharamaceutical manufacturer. Many of the comments expressed general views on the desirability of special packaging and on the difficulty elderly and handicapped individuals might experience in using such packaging. The principal issues raised in the comments and the Commission's conclusions thereon are as follows:

A. GENERAL SPECIAL PACKAGING CONSIDERATIONS

1. Several commentors expressed concern that, since elderly and handicapped persons might be unable to open child-resistant containers, special packaging requirements would result in denying them the use of products covered by the regulations. These commentors opposed the special packaging standards. Other commentors favored providing regulated products in special packaging for families with young children and in conventional packages for those who do not desire or need special packaging.

In passing the PPPA, Congress recognized that certain aged or infirm individuals might encounter difficulty in gaining access to products contained in special packaging. Section 4(a) of the act allows a manufacturer or packager of a regulated product supplied in special packaging to produce a single size of the product in conventional packaging, provided it is conspicuously labeled, "This package for households without young children" or, as set forth in 16 CFR 1700.5, "Package not child resistant" for packages too small to accommodate the statement specified by the statute. Labeling of noncomplying packaging must comply with the requirements of the regulation at 16 CFR 1700.5 which specify type size, placement, and conspicuousness. In addition, section 4(b) allows prescription drugs subject to a standard to be dispensed in conventional packaging if requested by the purchaser or ordered by the prescriber.

Since the law itself contains a mechanism to assist those unable to use special packaging, the Commission concludes that the difficulty in using special packaging which the elderly or handicapped might experience does not afford sufficient justification to withdraw the proposed amendment.

2. Several commentors took the position that responsibility for the protection of young children from potentially harmful products rests with the parents of children. On this basis, many of these commentors contend in effect that, since safety packaging is intended to protect young children from the negligence of their parents, special packaging standards place an unnecessary burden on those individuals without children. These commentors, especially those who were aware that age or infirmity could create difficulty in using special packaging, opposed the standards.

Congress has specifically mandated that special packaging standards be established for certain hazardous products. Congress considered the relationship between accidental childhood ingestions and parental negligence in its deliberations on the merits of passing the act. In its Report, the Senate Committee on Commerce stated a belief that parental negligence is not the primary cause of poisonings, and stated that there are too many potentially hazardous products in the modern home to hope that all of them can be kept out of the reach of children. The report went on to state that special packaging would accomplish what previous efforts had not by attempting to create positive separation between young children and hazardous substances. (Sen. Rep. No. 91845, 91st Cong., 1st Sess. 3 (1970).)

Since special packaging, by definition, cannot be required to resist the attempts of all children to open or gain access to a toxic or harmful amount of the contents, a requirement for special packaging does not alleviate the need for careful adult handling and storage of the regulated product nor is it intended to relieve parents of the responsibility to educate their children about the potential dangers associated with common household products. Rather, safety packaging is an additional tool to be used to protect children from poisoning in conjunction with the traditional techniques of education and proper storage. For those individuals without children, safety packaging can have affirmative benefits. The Commission is aware of many cases where young children have gained access to potentially harmful substances while visiting or being visited by people without young children. Since these individuals are in contact with children infrequently they may be less conscious of the need for the proper storage of hazardous products. Special packaging provides an additional safeguard, should the containers of such products, be accessible to visiting children. Naturally, individuals have the option of purchasing the conventionally packaged noncomplying size as discussed above.

B. POTENTIAL FOR INJURY

1. Several commentors recommended that all hazardous household products

containing iron be specially packaged while others favored regulating preparations containing less than 250 mg of iron to provide an adequate margin of safety. The PPPA authorizes the Commission to establish a special packaging standard for a household substance upon a finding that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such a substance. Thus, the Commission lacks authority to promulgate a standard for a substance, absent data or information associating that substance with the potential for serious childhood injury or illness. Those individuals who favored lowering the regulated level of iron presented no data which would support a finding of need for special packaging at a lower level. Thus, while their concern for the safety of young children is appreciated the Commission is unable to grant the request that the level of iron covered by the standard be established below 250 mg.

2. One commentor, the director of a poison information center, supplied figures indicating that the center, in four years, had received an average of 360 calls per year regarding iron preparations and vitamins containing iron. Because of these figures, the commentor hypothesized that the number of inquiries of this nature on a national basis must be considerable.

While all inquiries to poison information centers do not necessarily involve accidental ingestions or poisonings, many are associated with such incidents. The data submitted by the poison information center tend to support information available to the Commission indicating that the accidental ingestion of iron preparations by young children presents a widespread problem with potentially serious consequences.

Data from the National Clearinghouse for Poison Control Centers on accidental ingestions by children under five of iron preparations containing 250 mg or more of elemental iron for the latest available period, 1969-1975, show 2,919 ingestions of which 707 victims required hospitalization. Of these, 354 exhibited symptoms such as coma, convulsions, lethargy, nausea, vomiting, jaundice, diarrhea, abdominal pain, fever in excess of 101° F, hypotension, and blood in vomit and stools. Death certificate information for the latest available period, 1969-1975, associates 58 deaths of children younger than 5 years of age with the accidental ingestion of these products.

Data from the National Electronic Injury Surveillance System (NEISS) indicate that, for the latest available period, fiscal year 1975-June 14, 1977, there were 81 ingestions resulting in 22 hospitalizations of children under 5 years of age as a result of ingesting preparations containing iron. From fiscal year 1973-75 NEISS indicates 12 deaths of children under 5 years of age occurred as a result of iron ingestion. These data clearly demonstrate that safety packaging is necessary to protect young children.

3. As stated earlier, both the final order requiring special packaging for products containing 500 mg of elemental iron and the proposed amendment to lower the level of iron to 250 mg contained extensive references to medical and scientific literature to support the preliminary finding that products containing 250 mg of iron present a risk of serious injury or serious illness to young children. None of the commentors questioned the information upon which the findings were based.

The Accident and Poison Prevention Committee of the American Academy of Pediatrics supported the standard, pointing out that the ingestion of iron in amounts of 200-400 mg may cause clinically significant gastrointestinal hemorrhage. The Academy also referenced a case report (Clinical Toxicology 8;3-12, 1975) in which the victim experienced gastrointestinal symptoms requiring two laparotomies even though serum iron in the blood was not above 500 mcg percent, the level associated with shock and coma. The symptoms were present for more than one month. This information supplied by the American Academy of Pediatrics confirms the medical data set forth in the proposal to amend the iron standard. No comments were received that challenged the conclusions of this data. As a result, the Commission has affirmed elsewhere in this document the preliminary finding of need for special packaging established in the proposal.

C. SPECIAL PACKAGING CONSIDERATIONS

1. The proposed amendment contained a preliminary finding that special packaging for products containing 250 mg or more of elemental iron is technically feasible, practicable, and appropriate. This finding was based on contacts with packaging manufacturers at the time the final order covering 500 mg iron was published (June 1976) and again in October 1976. Briefly, the finding rested on information that several special packaging designs, including unit dose packages and closures for glass and plastic containers, complied with the effectiveness specifications for special packaging (16 CFR 1700.15(b)) and were suitable for use with iron preparations. These designs were adaptable to filling, capping, and forming equipment already being produced and used in the drug and dietary supplement industries, would not interfere with the storage or use of iron preparations, and would not be detrimental to the integrity of such products.

Neither the comments nor a survey conducted by the Commission in June 1977 revealed any information which would reflect adversely on the issue of technical feasibility, practicability, and appropriateness. Accordingly, the Commission affirms, elsewhere in this document, the preliminary findings contained in the proposal.

D. EFFECTIVE DATE

In the FEDERAL REGISTER notice of April 18, 1977, the Commission proposed that the amended iron standard become effective 180 days after publication of the final rule. Although a 1-year effective date provision was included in the final rule covering 500 mg iron, this time period was chosen in part because the final rule establishing packaging requirements for packages containing 500 mg of iron covered a large majority of all drugs and dietary supplements containing iron. By contrast, the number of products affected by the amendment would be relatively small.

Although the Commission requested comments on the proposed effective date, only one was received. That comment favored the 180-day period because industry had been on notice for 2 years that special packaging would be required for certain iron-containing preparations. To verify that 180 days is a reasonable time in which to commence using special packaging, the Commission, in June 1977, conducted a survey to determine the availability of special packaging for products containing 250 mg of iron and of capping equipment for use with such packaging.

The results of the survey indicate that major packaging manufacturers have an aggregate uncommitted mold capacity of 974 million units for various sizes of child-resistant closures. This capacity should be adequate to satisfy the demand for special packaging for preparations containing between 250 and 500 mg iron. Most manufacturers can add new mold capacity within 18 to 24 weeks, if necessary.

For those manufacturers who find it necessary to make adjustments to packaging lines, modifications to caping equipment would take 13 to 16 weeks. Minor modifications and adjustments to equipment could be implemented with relatively few interruptions on present production lines. Should new equipment be required, the lead time for delivery is 21 to 43 weeks. The Commission, however, anticipates few situations in which new equipment would be needed, since certain manufacturers producing preparations containing 250 mg iron previously modified packaging lines to accommodate special packaging for those products containing 500 mg iron which they also manufacture.

These data clearly demonstrate that six months is an adequate time period in which to implement the use of special packaging for products subject to the proposed amendment. Accordingly, the Commission is establishing the effective date of the amendment 180 days after publication of the final order in the FEDERAL REGISTER.

E. CLARIFICATION OF PRODUCTS COVERED

1. One comment suggested that the proposed amendment apply only to non-prescription drugs and human dietary supplements, avoiding overlapping coverage of prescription iron preparations under this standard and 16 CFR 1700.14(a)(10), the special packaging standard for human oral prescription drugs. This would also preclude any implication that prescription iron preparations subject to the oral prescription drug standard are exempted from that standard when they contain less than 250 mg iron per package. Except for the reference to the 250 mg amount, this comment is identical to one submitted in response to the proposal to regulate products containing 500 mg iron. In paragraph G.2. of the preamble to the final order covering 500 mg iron (41 FR 22265), the Commission elected not to accept the proposed revision because, while the prescription drug and the iron containing drug regulations cover some identical products, each extends to certain categories of products not covered by the other. Unlike the present regulation the prescription drug regulation covers those packages containing less than 250 mg total iron. Unlike the oral prescription drug regulation, the regulation here, at § 1700.14(a)(12), covers nonoral prescription preparations containing iron. For this reason, the Commission declines to adopt the proposed revision.

2. One commentor requested that § 1700.14(a)(12), which requires special packaging for drugs containing iron, be revised to expressly exclude drugs in which iron is present only as a colorant. Such an action would be consistent with a statement in the preamble of the final order establishing the 500 mg iron standard which indicated that it was the Commission's intent to cover only products in which iron was present as an active ingredient. The commentor correctly noted that, as drafted, § 1700.14(a)(12) had the effect of excluding products containing iron solely as a colorant but maintained that the requested clarification would remove any doubt about the status of such products.

The Commission agrees that the request for clarification has merit. The provisions of the proposed amendment dealing with drugs have therefore been revised to exempt those products containing iron solely as a colorant.

F. SECTION 3(a) (1) AND (2) FINDINGS

As required by section 3(a) of the PPPA, the Commission has consulted with the Technical Advisory Committee on Poison Prevention Packaging during the development of this standard and has considered their comments and those from other interested parties. The Commission has also considered available scientific and medical data concerning childhood ingestions, injury, and illness caused by iron containing preparations, their nature and use, and available engineering and scientific data concerning special packaging. The Commission, therefore, makes these findings in accordance with sections 3(a) (1) and (2) of the PPPA.

A. Special packaging is needed to protect children from serious injury or illness resulting from handling, using, or ingesting certain iron preparations.

1. Data from the National Clearinghouse for Poison Control Centers and the National Electronic Injury Surveillance System show that products containing iron are frequently ingested by children under 5 years of age.

2. Human experience data contained in the medical and scientific literature, the symptomatology associated with many of the National Clearinghouse for Poison Control Center ingestion reports, and data from death certificates show that the accidental ingestion of products containing 250 mg or more of elemental iron can cause death or serious injury.

3. Iron-containing drugs and dietary supplements are normally stored in their original containers; many accidental ingestions of these products therefore involve gaining access to the contents of the original container.

Therefore, the degree and nature of the hazard to children in the availability of noninjectable human and animal drugs (excluding animal feeds used as drug carriers and products in which iron is present solely as a colorant) which provide 250 mg or more elemental iron per package for therapeutic or prophylactic purposes, and the degree and nature of the hazard to children in the availability of dietary supplements containing 250 mg or more elemental iron per package (except preparations in which iron is present solely as a colorant), by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from the handling, using, or ingesting of such preparations when they contain elemental iron in concentrations of 0.05 percent or more on a weight to weight basis for nonliquids and 0.025 percent or more on a weight to volume basis for liquids.

In support of this finding, the Commission refers the reader to the detailed discussion of the degree and nature of the hazards associated with such products contained in the preamble of the final order establishing special packaging requirements for products containing 500 mg iron (41 FR 22263–22265) and in the preamble of the proposal to amend the level of iron covered to 250 mg (42 FR 20148–20149).

B. Technical feasibility, practicability and appropriateness of special packaging.

1. The Commission finds that the special packaging for purposes of the amendments issued below is technically feasible on the basis of the fact that, to date, 23 firms have submitted summaries of data from tests conducted in accordance with 16 CFR 1700.20 indicating that one or more designs of special packaging suitable for use with iron preparations meets or exceeds the effectiveness specifications of 16 CFR 1700.15(b). These designs include those adaptable to glass and plastic containers, and unit dose strip and blister packaging.

2. After considering the manufacturing practices of manufacturers of iron preparations, the Commission finds that special packaging for purposes of the amendments issued below is practicable in that it is susceptible to modern mass production and assembly line techniques. Many special packaging designs for use on plastic and glass containers are adaptable to capping and filling equipment already being produced and used in the drug and dietary supplement industries, while filling and forming equipment exists to manufacture products in child-resistant strip and blister packages.

3. The Commission finds that special packaging for purposes of the amendments issued below is appropriate since the special packaging available will not interfere with the storage or use of iron containing preparations and is not detrimental to their integrity. Of the designs mentioned above, many utilize or can utilize the same materials which come in contact with iron-containing preparations in conventional packaging and provide adequate barriers to maintain the stability of such products.

Since special packaging for products containing 250 mg iron is essentially the same as that for products containing 500 mg iron, the Commission refers the reader to the data and findings on technical feasibility, practicability, and appropriateness set forth in the preamble to the final order requiring special packaging for products containing 500 mg or more of elemental iron (41 FR 22265–22267) as support for this finding.

G. CONCLUSION AND PROMULGATION

Having considered the proposal, the comments thereon, and other relevant material, the Commission concludes

that the proposed amendments with changes, should be adopted as set forth below.

In publishing this rule, the Commission, pursuant to section 3(b) of the PPPA, has considered the following: (1) The reasonableness of the amendment; (2) available scientific, medical, and engineering data concerning both special packaging and childhood accidental ingestions, illness, and injury caused by certain animal and human drugs and dietary supplements that provide an equivalent of 250 mg or more elemental iron per package; (3) the manufacturing practices of the affected industries, and; (4) the nature and use of the products affected by this rule.

Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72 (15 U.S.C. 1471(4), 1472, 1474)) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)), the Commission amends 16 CFR 1700.14(a)(12) and (a)(13) as follows:

§ 1700.14 Substances requiring special packaging.

(a) *Substances* * * * (1) * * *

* * * * *

(12) *Iron-containing drugs.* With the exception of: (i) Animal feeds used as vehicles for the administration of drugs, and (ii) those preparations in which iron is present solely as a colorant, noninjectable animal and human drugs providing iron for therapeutic or prophylactic purposes, and containing a total amount of elemental iron, from any source, in a single package, equivalent to 250 mg or more elemental iron in a concentration of 0.025 percent or more on a weight to volume basis for liquids and 0.025 percent or more on a weight to volume basis for liquids and 0.05 percent or more on a weight-to-weight basis for nonliquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products, such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

(13) *Dietary supplements containing iron.* With the exception of those preparations in which iron is present solely as a colorant, dietary supplements, as defined in § 1700.1(a)(3), that contain an equivalent of 250 mg or more of elemental iron, from any source, in a single package in concentrations of 0.025 percent or more on a weight to volume basis for liquids and 0.05 percent or more on a weight-to-weight basis for nonliquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products, such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

Effective date: The amendments promulgated above, 16 CFR 1700.14(a)(12) and (13), shall become effective as to products packaged after October 17, 1978.

(Pub. L. 91-601, secs. 2(4), 3, (5), 84 Stat. 1670-1672 (15 U.S.C. 1471(4), 1472, 1474)); Pub. L. 92-573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a).)

Dated: April 17, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer Product Safety Commission.

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